State of Iowa

Iowa Administrative Code Supplement

Biweekly
February 25, 2009

KATHLEEN K. WEST
Administrative Code Editor

STEPHANIE A. HOFF
Deputy Editor

Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(4); an effective date delay imposed by the ARRC pursuant to section 17A.4(5) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(6); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515) 281-3355 or (515) 281-8157

Agriculture and Land Stewardship Department[21]

Replace Analysis
Replace Chapter 1

Utilities Division[199]

Replace Chapters 19 and 20

Historical Division[223]

Replace Chapter 49

Iowa Finance Authority[265]

Replace Chapter 8

Libraries and Information Services Division[286]

Replace Analysis
Insert Chapters 10 to 12

Elder Affairs Department[321]

Replace Analysis
Replace Reserved Chapter 14 with Chapter 14

Human Services Department[441]

Replace Analysis
Replace Chapter 58

Iowa Public Employees' Retirement System[495]

Replace Chapter 4

Natural Resources Department[561]

Replace Chapter 9

Environmental Protection Commission[567]

Replace Chapter 113

Homeland Security and Emergency Management Division[605]

Replace Analysis
Insert Chapter 13
Replace Reserved Chapters 13 to 99 with Reserved Chapters 14 to 99

Public Health Department[641]

Replace Chapter 28

Professional Licensure Division[645]

Replace Analysis
Replace Chapter 4
Replace Reserved Chapter 19 with Reserved Chapters 19 and 20
Remove Chapter 20
Replace Chapters 21 to 25
Remove Chapter 26
Replace Reserved Chapters 27 to 30 with Reserved Chapters 26 to 30
Replace Chapter 31

Index

Replace “E”

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

[Created by 1986 Iowa Acts, chapter 1245]
[Prior to 7/27/88, Agriculture Department[30]]
Rules under this Department "umbrella" also include
Agricultural Development Authority[25] and Soil Conservation Division[27]

CHAPTER 1
ADMINISTRATION

1.1(159) Organization
1.2(159) Consumer protection and industry services division
1.3(159) Administration division
1.4(159) Soil conservation division

CHAPTER 2
CONTESTED CASE PROCEEDINGS AND PRACTICE
(Uniform Rules)

2.1(17A,159) Scope and applicability
2.2(17A,159) Definitions
2.3(17A,159) Time requirements
2.4(17A,159) Requests for contested case proceeding
2.5(17A,159) Notice of hearing
2.6(17A,159) Presiding officer
2.12(17A,159) Service and filing of pleadings and other papers
2.15(17A,159) Motions
2.16(17A,159) Prehearing conference
2.17(17A,159) Continuances
2.22(17A,159) Default
2.23(17A,159) Ex parte communication
2.24(17A,159) Recording costs
2.25(17A,159) Interlocutory appeals
2.26(17A,159) Final decision
2.27(17A,159) Appeals and review
2.28(17A,159) Applications for rehearing
2.29(17A,159) Stays of agency action

CHAPTER 3
PETITIONS FOR RULE MAKING
(Uniform Rules)

3.1(17A) Petition for rule making
3.3(17A) Inquiries
3.5(17A) Petitions for related entities

CHAPTER 4
DECLARATORY ORDERS
(Uniform Rules)

4.1(17A,159) Petition for declaratory order
4.2(17A,159) Notice of petition
4.3(17A,159) Intervention
4.4(17A,159) Briefs
4.5(17A,159) Inquiries
4.6(17A,159) Service and filing of petitions and other papers
4.7(17A,159) Consideration
4.8(17A,159) Action on petition

4.9(17A,159) Refusal to issue order
4.12(17A,159) Effect of a declaratory order

CHAPTER 5
AGENCY PROCEDURE FOR RULE MAKING
(Uniform Rules)

5.1(17A,159) Applicability
5.3(17A,159) Public rule-making docket
5.4(17A,159) Notice of proposed rule making
5.5(17A,159) Public participation
5.6(17A,159) Regulatory analysis
5.10(17A,159) Exemptions from public rule-making procedures
5.11(17A,159) Concise statement of reasons
5.13(17A,159) Agency rule-making record

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

6.1(17A,22) Definitions
6.3(17A,22) Requests for access to records
6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
6.9(17A,22) Disclosures without the consent of the subject
6.10(17A,22) Routine use
6.11(17A,22) Consensual disclosure of confidential records
6.12(17A,22) Release to subject
6.13(17A,22) Availability of records
6.14(17A,22) Personally identifiable information
6.15(17A,22) Other groups of records
6.16(17A,22) Data processing systems
6.17(159,252J) Release of confidential licensing information for child support recovery purposes

CHAPTER 7
CHILD SUPPORT COLLECTION PROCEDURES

7.1(159,252J) Licensing actions
7.2 (159,252J) Child support collection procedures

CHAPTER 8
WAIVER OR VARIANCE OF RULES

8.1(17A,159) Definition
8.2(17A,159) Scope of chapter
8.3(17A,159) Applicability
8.4(17A,159) Criteria for waiver or variance
8.5(17A,159) Filing of petition
8.6(17A,159) Content of petition
8.7(17A,159) Additional information
8.8(17A,159) Notice
8.9(17A,159) Hearing procedures
8.10(17A,159) Ruling
8.11(17A,159) Public availability
8.12(17A,159) Summary reports
8.13(17A,159) Cancellation of a waiver
8.14(17A,159) Violations

8.15(17A,159) Defense
8.16(17A,159) Judicial review

CHAPTERS 9 to 11
Reserved

CHAPTER 12
RENEWABLE FUELS AND COPRODUCTS
12.1(159A) Purpose
12.2(159A) Definitions
12.3(159A) General provisions
12.4(159A) Renewable fuels motor vehicle fuels decals

CHAPTERS 13 to 19
Reserved

CHAPTER 20
REFERENDUM
20.1(159) Purpose
20.2(159) Definitions
20.3(159) Voter eligibility
20.4(159) Referendum methods and procedures
20.5(159) Contesting referendum results
20.6(159) Official certification

CHAPTER 21
Reserved

CHAPTER 22
APIARY
22.1(160) Diseases
22.2(160) Parasites
22.3(160) Requirement for the sale of bees
22.4(160) Certificate of inspection required
22.5(160) Certificate of inspection expiration
22.6(160) American Foulbrood treatment
22.7(160) Varroa mite treatment
22.8(160) Undesirable subspecies of honeybees
22.9(160) European honeybee certification
22.10(160) Prohibit movement of bees from designated states
22.11(160) Inspection required for the sale of bees, comb, or used equipment

CHAPTERS 23 to 39
Reserved

CHAPTER 40
AGRICULTURAL SEEDS
40.1(199) Agricultural seeds
40.2(199) Seed testing
40.3(199) Labeling
40.4 and 40.5 Reserved
40.6(199) Classes and sources of certified seed
40.7(199) Labeling of seeds with secondary noxious weeds
40.8(199) Germination standards for vegetable seeds

40.9(199) White sweet clover
40.10(199) Labeling of conditioned seed distributed to wholesalers
40.11(199) Seeds for sprouting
40.12(199) Relabeling
40.13(199) Hermetically sealed seed
40.14(199) Certification of seed and potatoes
40.15(199) Federal regulations adopted

CHAPTER 41
COMMERCIAL FEED

41.1(198) Definitions and terms
41.2(198) Label format
41.3(198) Label information
41.4(198) Expression of guarantees
41.5(198) Suitability
41.6(198) Ingredients
41.7(198) Directions for use and precautionary statements
41.8(198) Nonprotein nitrogen
41.9(198) Drug and feed additives
41.10(198) Adulterants
41.11(198) Good manufacturing practices
41.12(198) Cottonseed product control

CHAPTER 42
PET FOOD

42.1(198) Definitions and terms
42.2(198) Label format and labeling
42.3(198) Brand and product names
42.4(198) Expression of guarantees
42.5(198) Ingredients
42.6(198) Drugs and pet food additives
42.7(198) Statements of calorie content
42.8(198) Descriptive terms

CHAPTER 43
FERTILIZERS AND AGRICULTURAL LIME

43.1(200) Additional plant food elements besides N, P and K
43.2(200) Warning required
43.3(200) Specialty fertilizer labels
43.4(200) Pesticides in fertilizers
43.5(200) Cancellation or suspension of registration or license
43.6(200) Standard for the storage and handling of anhydrous ammonia
43.7(200) Groundwater protection fee
43.8 to 43.19 Reserved
43.20(201) Agricultural lime
43.21(200) Minimum requirements for registration of fertilizer and soil conditioners
43.22(200) Provisional product registration
43.23(200) Review of product registrations
43.24(200) Product claims
43.25 to 43.29 Reserved
43.30(201A) Definitions
43.31(201A) Determination of ECCE
43.32(201A) Sample procedure

43.33(201A) Sample analysis
43.34(201A) Sample fee
43.35(201A) Certification
43.36(201A) Compliance with certification
43.37(201A) Labeling
43.38(201A) Toxic materials prohibited
43.39(201A) Added materials
43.40(201A) Egg shells

CHAPTER 44
ON-SITE CONTAINMENT OF PESTICIDES, FERTILIZERS AND SOIL CONDITIONERS

PESTICIDES

44.1(206) Definitions
44.2(206) On-site containment of pesticides
44.3(206) Design plans and specifications
44.4(206) Certification of construction
44.5(206) New pesticide storage and mixing site location
44.6(206) Pesticide storage and mixing site
44.7(206) Secondary containment for nonmobile bulk pesticide storage and mixing
44.8(206) Pesticide storage and mixing site containers
44.9(206) Transportation of bulk pesticides
44.10(206) Mixing, repackaging and transfer of pesticides
44.11(206) Distribution of bulk pesticides
44.12(206) Secondary containment for aerial applicator aircraft
44.13 to 44.49 Reserved

FERTILIZERS AND SOIL CONDITIONERS

44.50(200) On-site containment of fertilizers and soil conditioners
44.51(200) Definitions
44.52(200) Design plans and specifications
44.53(200) New fertilizer or soil conditioner storage site location
44.54(200) Certification of construction
44.55(200) Secondary containment for liquid fertilizers and liquid soil conditioner storage
44.56(200) Secondary containment for nonliquid fertilizers and soil conditioners
44.57(200) Fertilizer loading, unloading, and mixing area
44.58(200) Wash water and rinsates

CHAPTER 45
PESTICIDES

DIVISION I

45.1(206) Definitions and standards
45.2(206) Methods of analysis
45.3(206) Registration required
45.4(206) Registration of products
45.5(206) Registration, general application of
45.6(206) Revocation, suspension or denial of registration
45.7(206) Changes in labeling or ingredient statement
45.8(206) Label requirements
45.9(206) Directions for use—when necessary
45.10(206) Other claims
45.11(206) Name of product

45.12(206) Brand names, duplication of, or infringement on
45.13(206) Ingredient statement
45.14(206) Net contents
45.15(206) Coloration of highly toxic materials
45.16(206) Illegal acts
45.17(206) Guarantee of pesticide
45.18(206) Shipments for experimental use
45.19(206) Enforcement
45.20(206) Hazardous rodenticides
45.21(206) Highly toxic
45.22(206) License and certification standards for pesticide applicators
45.23(206) Sale or possession of thallium
45.24(206) Warning, caution and antidote statements
45.25(206) Declaration of pests
45.26(206) Record-keeping requirements
45.27(206) Use of high volatile esters
45.28(206) Emergency single purchase/single use of restricted pesticide
45.29(206) Application of general use pesticide by nonlicensed commercial applicator
45.30(206) Restricted use pesticides classified
45.31(206) Application of pesticides toxic to bees
45.32(206) Use of DDT and DDD
45.33(206) Use of inorganic arsenic
45.34(206) Use of heptachlor
45.35(206) Use of lindane
45.36(206) Reports of livestock poisoning
45.37(206) Approval of use of inorganic arsenic formulation
45.38 to 45.44 Reserved
45.45(206) Ethylene dibromide (EDB) residue levels in food
45.46(206) Use of pesticide Command 6EC
45.47(206) Reporting of pesticide sales
45.48(206) Dealer license fees
45.49(206) Pesticide use recommendations
45.50(206) Notification requirements for urban pesticide applications
45.51(206) Restrictions on the distribution and use of pesticides containing the active ingredient atrazine or any combination of active ingredients including atrazine
45.52(206) Continuing instructional courses for pesticide applicator recertification

DIVISION II

45.53 to 45.99 Reserved

DIVISION III
CIVIL PENALTIES

45.100(206) Definitions
45.101(206) Commercial pesticide applicator peer review panel
45.102(206) Civil penalties—establishment, assessment, and collection
45.103(206) Review period
45.104(206) Review by peer review panel
45.105(206) Response by peer review panel

CHAPTER 46
CROP PESTS

46.1(177A) Nursery stock
46.2(177A) Hardy
46.3(177A) Person

46.4(177A) Nursery growers
46.5(177A) Nursery
46.6(177A) Nursery dealer
46.7(177A) Out-of-state nursery growers and nursery dealers
46.8(177A) Nursery inspection
46.9(177A) Nursery dealer certificate
46.10(177A) Proper facilities
46.11(177A) Storage and display
46.12(177A) Nursery stock viability qualifications
46.13(177A) Certificates
46.14(177A) Miscellaneous and service inspections
46.15(177A) Insect pests and diseases

CHAPTER 47
IOWA ORGANIC PROGRAM

47.1(190C) Iowa organic program
47.2(190C) Exempt operations
47.3(190C) Crops
47.4(190C) Livestock
47.5(190C) Use of state seal
47.6(190C) General requirements
47.7 Reserved
47.8(190C) Certification agent

ADMINISTRATIVE

47.9(190C) Fees
47.10(190C) Compliance
47.11(190C) Regional organic associations (ROAs)

CHAPTER 48
PESTICIDE ADVISORY COMMITTEE

48.1(206) Function
48.2(206) Staff
48.3(206) Advisors
48.4(206) Meetings
48.5(206) Open records
48.6(206) Budget
48.7(206) Review of pesticide applicator instructional course and examination

CHAPTER 49
BULK DRY ANIMAL NUTRIENTS

49.1(200A) Definitions
49.2(200A) License
49.3(200A) Registration
49.4(200A) Additional plant elements
49.5(200A) Distribution statement
49.6(200A) Distribution reports
49.7(200A) Storage of bulk dry animal nutrients
49.8(200A) Manure management plans

CHAPTER 50
WOMEN, INFANTS, AND CHILDREN/FARMERS' MARKET NUTRITION PROGRAM
AND SENIOR FARMERS' MARKET NUTRITION PROGRAM

50.1(159) Authority and scope
50.2(159) Severability
50.3(159) Definitions
50.4(159) Program description and goals
50.5(159) Administration and agreements
50.6(159) Distribution of benefits
50.7(159) Recipient responsibilities
50.8(159) Farmers' market, farmstand, and community supported agriculture (CSA) authorization and priority
50.9(159) Vendor certification
50.10(159) Certified vendor obligations
50.11(159) Certified vendor noncompliance sanctions
50.12(159) Appeal
50.13(159) Deadlines
50.14(159) Discrimination complaints

CHAPTER 51
REMEDIATION OF AGRICHEMICAL SITES

51.1(161) Definitions
51.2(161) Agrichemical remediation board

CHAPTER 52
GRAPE AND WINE DEVELOPMENT FUNDING PROGRAM

52.1(175A) Authority and scope
52.2(175A) Severability
52.3(175A) Goals and purpose
52.4(175A) Definitions
52.5(175A) Administration
52.6(175A) Grape and wine development programs
52.7(175A) Appeal

CHAPTERS 53 to 57
Reserved

CHAPTER 58
NOXIOUS WEEDS

58.1(317) Definition
58.2(317) Purple loosestrife
58.3(317) Records

CHAPTER 59
Reserved

CHAPTER 60
POULTRY

60.1(168) Egg-type chickens, meat-type chickens, turkeys, domestic waterfowl, domestic game birds and exhibition poultry
60.2(168) License for dealers of baby chicks or domestic fowls
60.3(163) Turkeys
60.4(163) Registration of exhibitions involving poultry

CHAPTER 61
DEAD ANIMAL DISPOSAL

61.1(167)	Dead animal disposal—license
61.2(167)	Animal disposal—persons defined
61.3(167)	Disposing of dead animals by cooking
61.4(167)	License fee
61.5(167)	Certificate issuance
61.6(167)	Filing certificate
61.7(167)	License renewal
61.8 to 61.10	Reserved
61.11(167)	Disposal plant plans
61.12(167)	Disposal plant specifications
61.13 and 61.14	Reserved
61.15(167)	Conveyances requirements
61.16(167)	Disposal plant trucks
61.17(167)	Disposal employees
61.18(167)	Tarpaulins
61.19(167)	Disposal vehicles—disinfection
61.20 to 61.22	Reserved
61.23(167)	Rendering plant committee
61.24(167)	Rendering plant—spraying
61.25(167)	Penalty
61.26 and 61.27	Reserved
61.28(167)	Anthrax
61.29(167)	Anthrax—disposal
61.30(167)	Hog-cholera—carcasses
61.31(167)	Noncommunicable diseases—carcasses
61.32(167)	Carcass disposal—streams
61.33(167)	Improper disposal

CHAPTER 62
REGISTRATION OF IOWA-FOALED HORSES AND IOWA-WHELPED DOGS

62.1(99D)	Definitions
62.2(99D)	Iowa horse and dog breeders' fund
62.3(99D)	Forms
62.4(99D)	Disciplinary actions
62.5(99D)	Access to premises and records
62.6(99D)	Registration fees
62.7 to 62.9	Reserved

THOROUGHBRED DIVISION

62.10(99D)	Iowa thoroughbred stallion requirements
62.11(99D)	Notification requirements
62.12(99D)	Stallion qualification and application procedure
62.13(99D)	Application information
62.14(99D)	Breeding record—report of mares bred
62.15(99D)	Iowa-foaled horses and brood mares
62.16(99D)	Iowa-foaled horse status
62.17 to 62.19	Reserved

STANDARDBRED DIVISION

62.20(99D) Iowa standardbred stallion requirements
62.21(99D) Notification requirements
62.22(99D) Stallion qualification and application procedure
62.23(99D) Application information
62.24(99D) Breeding record—report of mares bred
62.25(99D) Iowa-foaled horses and brood mares
62.26(99D) Iowa-foaled horse status
62.27 to 62.29 Reserved

QUARTER HORSE DIVISION

62.30(99D) Iowa quarter horse stallion requirements
62.31(99D) Notification requirements
62.32(99D) Stallion qualification and application procedure
62.33(99D) Application information
62.34(99D) Breeding record—report of mares bred
62.35(99D) Iowa-foaled horses and brood mares
62.36(99D) Iowa-foaled horse status
62.37(99D) Embryo transfer for Iowa-foaled status
62.38 and 62.39 Reserved

GREYHOUND DOG DIVISION

62.40(99D) Iowa-whelped dog requirements
62.41(99D) Procedures for registration

CHAPTER 63
BRANDING

63.1(169A) Location of brands on livestock
63.2(169A) Brands in conflict

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

64.1(163) Reporting disease
64.2(163) Disease prevention and suppression
64.3(163) Duties of township trustees and health board
64.4(163) “Exposed” defined
64.5(163) Sale of vaccine
64.6(163) “Quarantine” defined
64.7(163) Chiefs of Iowa and U.S. animal industries to cooperate
64.8(163) Animal blood sample collection
64.9 Reserved

GLANDERS AND FARCY CONTROL

64.10(163) Preventing spread of glanders
64.11(163) Disposal of diseased animal
64.12(163) Glanders quarantine
64.13(163) Tests for glanders and farcy
64.14 Reserved

BLACKLEG CONTROL

64.15(163) Blackleg
64.16 Reserved

DEPARTMENT NOTIFICATION OF DISEASES

64.17(163) Notification of chief of animal industry
64.18 to 64.22 Reserved

RABIES CONTROL

64.23(163)	Rabies—exposed animals
64.24(163)	Rabies quarantine
64.25(351)	Control and prevention of rabies
64.26 to 64.29	Reserved

SCABIES OR MANGE CONTROL

64.30(163)	Scabies or mange quarantine
64.31	Reserved

DISEASE CONTROL AT FAIRS AND EXHIBITS

64.32(163)	State fairgrounds—disinfection of livestock quarters
64.33(163)	County fairs—disinfection of livestock quarters
64.34(163)	Health requirements for exhibition of livestock, poultry and birds at the state fair and district shows
64.35(163)	Health requirements for exhibition of livestock, poultry and birds at county exhibitions
64.36 and 64.37	Reserved

DISEASE CONTROL BY CONVEYANCES

64.38(163)	Transportation companies—disinfecting livestock quarters
64.39(163)	Livestock vehicles—disinfection
64.40	Reserved

INTRASTATE MOVEMENT OF LIVESTOCK

64.41(163)	General
64.42(163)	Veterinary inspection
64.43(163)	Swine
64.44 to 64.46	Reserved

BRUCELLOSIS

64.47(163)	Definitions as used in these rules
64.48	Reserved
64.49(163)	Certified brucellosis-free herd
64.50(163)	Restraining animals
64.51(163)	Quarantines
64.52(163)	Identification of bovine animals
64.53(163)	Cleaning and disinfection
64.54(163)	Disposal of reactors
64.55(163)	Brucellosis tests and reports
64.56(163)	Suspect animals designated as reactors
64.57(163)	Indemnity not allowed
64.58(163)	Area testing
64.59 to 64.62	Reserved

BOVINE BRUCELLOSIS

64.63(164)	Back tagging in bovine brucellosis control
64.64(164)	Fee schedule
64.65(163)	Definitions
64.66	Reserved

ERADICATION OF SWINE BRUCELLOSIS

64.67(163A)	Brucellosis test
64.68(163A)	Veterinarians to test
64.69 and 64.70	Reserved
64.71(163A)	Fee schedule

64.72 Reserved

ERADICATION OF BOVINE TUBERCULOSIS

64.73(163) Tuberculin tests classified
64.74(163) Acceptance of intradermic test
64.75(163) Adoption of intradermic test
64.76(163) Ophthalmic test
64.77(163) Tuberculin test deadline
64.78(163) Health certificate
64.79(163) Ear tags
64.80(163) Cattle importation
64.81(163) Tuberculin reactors
64.82(163) Steers—testing
64.83(163) Female cattle—testing
64.84(163) Certificates and test charts
64.85(163) Slaughtering reactors
64.86(163) Agriculture tuberculin rules
64.87(163) "Tuberculosis-free accredited herd" defined
64.88(163) Retesting
64.89(163) Accredited herd
64.90(163) Selection of cattle for tuberculin tests
64.91(163) Identification for test
64.92(163) Removing cattle from herd
64.93(163) Milk
64.94(163) Sanitary measures
64.95(163) Interstate shipment
64.96(163) Reactors—removal
64.97(163) Certificate
64.98(163) Violation of certificate
64.99(163) Tuberculin—administration
64.100(163) Sale of tuberculin
64.101(165) Fee schedule
64.102 and 64.103 Reserved

CHRONIC WASTING DISEASE (CWD)

64.104(163) Definitions
64.105(163) Supervision of the cervid CWD surveillance identification program
64.106(163) Surveillance procedures
64.107(163) Official cervid tests
64.108(163) Investigation of CWD affected animals identified through surveillance
64.109(163) Duration of quarantine
64.110(163) Herd plan
64.111(163) Identification and disposal requirements
64.112(163) Cleaning and disinfecting
64.113(163) Methods for obtaining certified CWD cervid herd status
64.114(163) Recertification of CWD cervid herds
64.115(163) Movement into a certified CWD cervid herd
64.116(163) Movement into a monitored CWD cervid herd
64.117(163) Recognition of monitored CWD cervid herds
64.118(163) Recognition of certified CWD cervid herds
64.119 to 64.132 Reserved

ERADICATION OF SWINE TUBERCULOSIS

64.133(159)	Indemnity
64.134(159)	Fee schedule
64.135 to 64.146	Reserved

PSEUDORABIES DISEASE

64.147(163,166D)	Definitions. As used in these rules:
64.148 to 64.150	Reserved
64.151(163,166D)	Quarantines
64.152(163,166D)	Nondifferentiable pseudorabies vaccine disapproved
64.153(166D)	Pseudorabies disease program areas
64.154(163,166D)	Identification
64.155(163,166D,172B)	Certificates of inspection
64.156(166D)	Noninfected herds
64.157(166D)	Herd cleanup plan for infected herds (eradication plan)
64.158(166D)	Feeder pig cooperator plan for infected herds
64.159(166D)	Herds of unknown status
64.160(166D)	Approved premises
64.161(166D)	Sales to approved premises
64.162(166D)	Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis
64.163(166D)	Nondifferentiable pseudorabies vaccine disapproved
64.164 to 64.169	Reserved

PARATUBERCULOSIS (JOHNE'S) DISEASE

64.170(165A)	Definitions
64.171(165A)	Supervision of the paratuberculosis program
64.172(165A)	Official paratuberculosis tests
64.173(165A)	Vaccination allowed
64.174(165A)	Herd plan
64.175(165A)	Identification and disposal requirements
64.176(165A)	Segregation, cleaning, and disinfecting
64.177(165A)	Intrastate movement requirements
64.178(165A)	Import requirements
64.179 to 64.184	Reserved

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

64.185(163)	Definitions
64.186(163)	Supervision of the low pathogenic avian influenza program
64.187(163)	Surveillance procedures
64.188(163)	Official LPAI tests
64.189(163)	Investigation of LPAI affected poultry identified through surveillance
64.190(163)	Duration of quarantine
64.191(163)	Flock plan
64.192(163)	Cleaning and disinfecting
64.193 to 64.199	Reserved

SCRAPIE DISEASE

64.200(163)	Definitions
64.201(163)	Supervision of the scrapie eradication program
64.202(163)	Identification
64.203(163)	Restrictions on the removal of official identification
64.204(163)	Records

64.205(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals
64.206(163) Veterinarian's responsibilities when identifying sheep or goats
64.207(163) Flock plans
64.208(163) Certificates of Veterinary Inspection
64.209(163) Requirements for shows and sales
64.210(163) Movement restrictions for animals and flocks
64.211(163) Approved terminal feedlots

CHAPTER 65
ANIMAL AND LIVESTOCK IMPORTATION

65.1(163) Definitions
65.2(163) Pre-entry permits
65.3(163) General requirements and limitations
65.4(163) Cattle and bison
65.5(163,166D) Swine
65.6(163) Goats
65.7(163) Sheep
65.8(163) Equine
65.9(163) Cervidae
65.10(163) Dogs and cats
65.11(163) Poultry, domestic fowl, and hatching eggs
65.12(163) Swine production health plan (SPHP)
65.13(163) Penalties

CHAPTER 66
LIVESTOCK MOVEMENT

66.1(163) Definitions and permits
66.2(163) Animal health sanitation and record-keeping requirements
66.3(163) Duties and responsibilities of the livestock market management
66.4(163) Duties and responsibilities of the livestock market veterinary inspector
66.5(163) Classification of livestock markets and permitholders
66.6(163) Requirements for state-federal (specifically) approved markets
66.7(163) Requirements for sale of all bovine animals
66.8(163) Testing
66.9(163) Order of sale through auction markets
66.10(163) Releasing cattle
66.11(163,172B) Movement of livestock within the state
66.12(189,189A) Movement of food-producing animals and their products into the state
66.13(163,202C) Feeder pig dealer bonding/letter of credit requirement and claims procedures
66.14(163) Intrastate movement requirements
66.15 to 66.19 Reserved
66.20(163) Revocation or denial of permit

CHAPTER 67
ANIMAL WELFARE

67.1(162) Animals included in rules
67.2(162) Housing facilities and primary enclosures
67.3(162) General care and husbandry standards
67.4(162) Transportation
67.5(162) Purchase, sale, trade and adoption
67.6(162) Public health
67.7(162) Kennels, shelters and other facilities—access, seizure and impoundment

67.8(162) Applicability to federally licensed facilities
67.9(162) Acceptable forms of euthanasia
67.10(162) Loss of license
67.11(162) Dog day care
67.12(162) Fostering oversight organizations and foster care homes

CHAPTER 68
DAIRY

68.1(192,194) Definitions
68.2(192) Licenses and permits required
68.3 Reserved
68.4(192) Certification of personnel
68.5(190,192,194) Milk tests
68.6(190,192,194) Test bottles
68.7 and 68.8 Reserved
68.9(192,194) Tester's license
68.10(192,194) Contaminating activities prohibited in milk plants
68.11(192,194) Suspension of dairy farm permits

GRADE A MILK

68.12(192) Milk standards
68.13(192,194) Public health service requirements
68.14(190,192,194,195) Laboratories

GRADE B MILK

68.15(192,194) Milk standards
68.16(194) Legal milk
68.17(194) New producers
68.18(194) Testing and exclusion of Class III milk
68.19(194) Unlawful milk
68.20(194) Price differential
68.21(194) Penalties for plants and producers
68.22(192,194) Farm requirements for milk for manufacturing
68.23 to 68.25 Reserved
68.26(190,192,194) Tests for abnormal milk
68.27(192,194) Standards for performing farm inspections

DAIRY FARM WATER

68.28 to 68.34 Reserved
68.35(192) Dairy farm water supply
68.36(192) Antibiotic testing
68.37(192,194) Milk truck approaches
68.38 and 68.39 Reserved

MILK TANKER, MILK HAULER, MILK GRADER, CAN MILK TRUCK BODY

68.40(192) Definitions
68.41(192) Bulk milk tanker license required
68.42(192) Bulk milk tanker construction
68.43(192) Bulk milk tanker cleaning and maintenance
68.44(192) Bulk tanker sanitization
68.45(192) Bulk milk tanker cleaning facility
68.46(192) Bulk milk tanker cleaning tag
68.47(192) Dairy plant, receiving station or transfer station records
68.48(192) Milk hauler license required
68.49(192) New milk hauler license applicant

68.50(192) Supplies required for milk collection and sampling
68.51(192) Milk hauler sanitization
68.52(192) Examining milk by sight and smell
68.53(192) Milk hauler hand washing
68.54(192) Milk temperature
68.55(192) Connecting the milk hose
68.56(192) Measuring the milk in the bulk tank
68.57(192) Milk sample for testing
68.58(192) Milk collection record
68.59(192) Loading the milk from the bulk tank to the milk tanker
68.60(192) Milk samples required for testing
68.61(192) Bulk milk sampling procedures
68.62(192) Temperature control sample
68.63(192) Producer sample identification
68.64(192) Care and delivery of producer milk samples
68.65(192) Milk sample carrying case
68.66(192) Bulk milk delivery
68.67(192) False samples or records
68.68(192) Violations prompting immediate suspension
68.69(192) Milk grader license required
68.70(192) New milk grader license applicant
68.71(192,194) Can milk truck body

CHAPTER 69
MILK ROOM AND BULK TANKS FOR MANUFACTURING MILK

69.1(192) Milk room
69.2(192) Drainage
69.3(192) Walls and ceilings
69.4(192) Milk room windows
69.5(192) Doors
69.6(192) Ventilation
69.7(192) Bulk tank location
69.8(192) Hose port
69.9(192) Safety regulations
69.10(192) Properly located tank

CHAPTER 70
Reserved

CHAPTER 71
STANDARDS FOR DAIRY PRODUCTS

71.1(190) Dairy products
71.2(189,210) Requirements for packaging and labeling
71.3(210) Requirements for the method of sale of commodities
71.4(210) Requirements for unit pricing
71.5(189,190) Flavors
71.6(190) Standard for light butter

CHAPTERS 72 to 75
Reserved

CHAPTER 76
MEAT AND POULTRY INSPECTION

76.1(189A) Federal Wholesome Meat Act regulations adopted
76.2(189A) Federal Wholesome Meat Act regulations adopted
76.3(189A) Federal Poultry Products Inspection Act regulations adopted
76.4(189A) Inspection required
76.5(189A) Custom/exempt facilities sanitation standard operating procedures
76.6(189A) Forms and marks
76.7(189A,167) Registration
76.8(189A,167) Dead, dying, disabled or diseased animals
76.9(189A) Denaturing and identification of livestock or poultry products not intended for use as human food
76.10(189A,167) Transportation of decharacterized inedible meat or carcass parts
76.11(189A) Records
76.12 Reserved
76.13(189A) Voluntary inspections of exotic animals
76.14(189A) Federal Wholesome Meat Act regulations adopted for the regulation of farm deer

CHAPTER 77
DANGEROUS WILD ANIMALS

77.1(82GA,SF564,SF601) Definitions
77.2(82GA,SF564,SF601) Prohibitions
77.3(82GA,SF564,SF601) Continued ownership—requirements of the individual
77.4(82GA,SF564,SF601) Continued ownership—insurance required
77.5(82GA,SF564,SF601) Continued ownership—electronic identification device
77.6(82GA,SF564,SF601) Continued ownership—registration form
77.7(82GA,SF564,SF601) Continued ownership—registration fee
77.8(82GA,SF564,SF601) Continued ownership—records required
77.9(82GA,SF564,SF601) Continued ownership—enclosure required
77.10(82GA,SF564,SF601) Continued ownership—signs required
77.11(82GA,SF564,SF601) Escape notification required
77.12(82GA,SF564,SF601) Relinquishment
77.13(82GA,SF564,SF601) Seizure, custody and disposal
77.14(82GA,SF564,SF601) Exemptions

CHAPTERS 78 to 84
Reserved

CHAPTER 85
WEIGHTS AND MEASURES

WEIGHTS

85.1(215) “Sensibility reciprocal” defined
85.2 Reserved
85.3(215) For vehicle, axle-load, livestock, animal, crane and railway track scales
85.4 Reserved
85.5(215) “Counter scale” defined
85.6(215) “Spring and computing scales” defined
85.7(215) “Automatic grain scale” defined
85.8(215) “Motor truck scales” defined
85.9(215) “Livestock scales” defined
85.10(215) “Grain dump scales” defined
85.11(215) Scale pit

85.12(215)	Pitless scales
85.13(215)	Master weights
85.14(215)	Scale design
85.15(215)	Weighbeams
85.16(215)	Beam box
85.17	Reserved
85.18(215)	Weight capacity
85.19(215)	Provision for sealing coin slot
85.20(215)	Stock racks
85.21(215)	Lengthening of platforms
85.22(215)	Accessibility for testing purposes
85.23(215)	Assistance in testing operations
85.24(215)	Beam scale
85.25(215)	Spring scale
85.26(215)	Weighbeam or beam
85.27(215)	Livestock scale

SCALES

85.28(215)	Wheel-load weighers and axle-load scales
85.29 to 85.32	Reserved

MEASURES

85.33(214A,208A)	Motor fuel and antifreeze tests and standards
85.34(215)	Tolerances on petroleum products measuring devices
85.35(215)	Meter adjustment
85.36(215)	Recording elements
85.37(215)	Air eliminator
85.38(215)	Delivery outlets
85.39(189,215)	Weights and measures
85.40(215)	Inspection tag or mark
85.41(215)	Meter repair
85.42(215)	Security seal
85.43(215)	LP-gas meter repairs
85.44(215)	LP-gas delivery
85.45(215)	LP-gas meter registration
85.46(215)	Reporting new LP-gas meters
85.47	Reserved
85.48(214A,215)	Advertisement of the price of liquid petroleum products for retail use
85.49(214A,215)	Gallonage determination for retail sales
85.50 and 85.51	Reserved

MOISTURE-MEASURING DEVICES

85.52(215A)	Testing devices
85.53(215A)	Rejecting devices
85.54(215,215A)	Specifications and standards for moisture-measuring devices
85.55	
85.56	
85.57(215)	Testing high-moisture grain
85.58 to 85.62	Reserved

HOPPER SCALES

85.63(215)	Hopper scales

CHAPTERS 86 to 89
Reserved

CHAPTER 90
STATE LICENSED WAREHOUSES AND WAREHOUSE OPERATORS

90.1(203C) Application of rules
90.2(203C) Definitions
90.3(203C) Types of products to be warehoused
90.4(203C) Application for a warehouse operator license
90.5(203C) Warehouse operator license
90.6(203C) Posting of license
90.7(203C) Renewal, termination and reinstatement of license—payment of license fee
90.8(203C) Financial statements
90.9(203C) Bonds and irrevocable letters of credit
90.10(203C) Insurance
90.11(203C) Notice to the warehouse bureau
90.12(203C) Issuance of warehouse receipts
90.13(203C) Cancellation of warehouse receipts
90.14(203C) Lost or destroyed receipt
90.15(203C) Warehouse receipts
90.16(203C) Tariffs
90.17(203C) Records
90.18(203C) Adjustment of records
90.19(203C) Shrinkage due to moisture
90.20(203C) Monthly grain statements
90.21(203C) Grain stored in another warehouse
90.22(203C) Warehouse operator's obligation and storage
90.23(203C) Storing of products
90.24(203C) Facilities
90.25(203C) Maintenance of storage facilities
90.26(203C) Temporary grain storage facilities
90.27(203C) Emergency ground pile storage space
90.28(203C) Polyethylene (polyvinyl) bag storage space
90.29(203C) Prioritization of inspections of warehouse operators
90.30(203C) Department of agriculture and land stewardship enforcement procedures
90.31(203C) Review proceedings

CHAPTER 91
LICENSED GRAIN DEALERS

91.1(203) Application of rules
91.2(203) Definitions
91.3(203) Application for a grain dealer license
91.4(203) Grain dealer license not transferable
91.5(203) Posting of license
91.6(203) Surrender of license
91.7(203) Renewal, termination and reinstatement of license—payment of license fee
91.8(203) Financial statements
91.9(203) Bonds and irrevocable letters of credit
91.10(203) Payment
91.11(203) Books and records
91.12(203) Assignment of contracts
91.13(203) Filing of monthly grain statement and reports
91.14(203) Notice to the warehouse bureau
91.15(203) Shrinkage due to moisture

91.16(203) Requirements for Class 2 licensees
91.17(203) Requirements for licensees authorized to issue credit-sale contracts
91.18(203) Department of agriculture and land stewardship enforcement procedures
91.19(203) Review proceedings
91.20(203) Prioritization of inspections of grain dealers
91.21(203) Claims against credit-sale contract bond
91.22(203) Electronic grain contracts
91.23(203) Electronic grain contract providers and provider agreements
91.24(203) Electronic grain contract users and user agreements
91.25(203) Electronic grain contracts—issuance and form
91.26(203) Security of a provider's electronic central filing system or a licensee's electronic database

CHAPTER 92
PARTICIPATION IN GRAIN INDEMNITY FUND
92.1(203D) Mandatory participation in fund
92.2(203D) Required fees
92.3(203D) "Purchased grain"—grain on which a per-bushel fee is required to be remitted
92.4(203D) Due date for payment of the per-bushel fee
92.5(203D) Penalty for delinquent submission of per-bushel fee
92.6(203D) Penalty for delinquent payment of per-bushel fee discovered during examination

CHAPTER 93
GRAIN INDEMNITY FUND BOARD—ORGANIZATION AND OPERATIONS
93.1(203D) Location
93.2(203D) The board
93.3(203D) Authority of the board
93.4(203D) Meetings
93.5(203D) Minutes
93.6(203D) Board decisions
93.7(203D) Records
93.8(203D) Waiver of per-bushel and annual grain dealer and warehouse operator fees

CHAPTER 94
CLAIMS AGAINST THE GRAIN DEPOSITORS
AND SELLERS INDEMNITY FUND
94.1(203D) Definitions
94.2(203D) By whom claims can be made
94.3(203D) Procedure for filing claims
94.4(203D) Time limitations
94.5(203D) Claims by depositors where bureau is receiver
94.6(203D) Notice of claims
94.7(203D) Report by bureau
94.8(203D) Determination of claims
94.9(203D) Appeal from determination
94.10(203D) Payment of valid claims—conflicting interests

CHAPTER 95
CIVIL PENALTIES
95.1(203,203C) Definitions
95.2(203,203C) Grain industry peer review panel
95.3(203,203C) Organization and location
95.4(203,203C) Membership

95.5(203,203C)	Staff
95.6(203,203C)	Meetings
95.7(203,203C)	Criteria for assessing civil penalties
95.8(203,203C)	Notice of civil penalty assessment—informal settlement
95.9(203,203C)	Panel review
95.10(203,203C)	Scope of panel review
95.11(203,203C)	Panel response
95.12(203,203C)	Civil penalty assessment
95.13(203,203C)	Judicial assessment
95.14(203,203C)	Civil penalty payment

CHAPTER 1
ADMINISTRATION

[Prior to 2/24/88, see Agriculture Department, 30—Chapter 1]

21—1.1(159) Organization.

1.1(1) *"Department"* means the department of agriculture and land stewardship.

1.1(2) *"Secretary"* means the secretary of agriculture who is the head of the department.

1.1(3) The deputy secretary of agriculture advises the secretary and has the statutory authority to perform any of the duties required or authorized of the secretary in the secretary's absence or through explicit directions or tacit consent.

1.1(4) The department is organized into three branches known as the consumer protection and industry services division, the administration division, and the soil conservation division. The deputy secretary of agriculture heads the administration division, and division directors head the consumer protection and industry services division and the soil conservation division. The directors assist the secretary in the implementation of the secretary's policies within the various bureaus, laboratories, and units assigned to that division. The directors shall also assist the secretary in supervising the work of the various bureaus and units assigned to that division, provide the expertise of their division to other divisions where appropriate, and perform other duties as assigned by the secretary.

1.1(5) Rescinded IAB 2/25/09, effective 2/5/09.

1.1(6) The grain indemnity fund board is an autonomous agency of which the secretary is president. The board operates in conjunction with the grain warehouse bureau of the department, determining and providing for payment of claims which arise as a result of the failure of a grain dealer or warehouse operator and administering the Iowa grain depositors and sellers indemnity fund. The rules for the board's organization and operations and its procedures for resolving claims appear in 21—Chapters 63 and 64, Iowa Administrative Code.

1.1(7) The Iowa board of veterinary medicine is an autonomous agency functioning within the department to provide for the licensing and disciplining of veterinarians and veterinary assistants. The powers of the Iowa board of veterinary medicine are vested in the board pursuant to Iowa Code chapter 169, and its rules appear at 811—Chapter 1, et seq., Iowa Administrative Code. The secretary appoints the state veterinarian who, pursuant to Iowa Code section 169.5, serves as secretary to the board.

[**ARC 7587B**, IAB 2/25/09, effective 2/5/09]

21—1.2(159) Consumer protection and industry services division. In addition to the duties outlined in subrule 1.1(4), the director of the consumer protection and industry services division advises the secretary of activities and any impending or potential problems that have come to the attention of the division's personnel. The bureaus and laboratories under the supervision of the consumer protection and industry services division are as follows:

1.2(1) *Animal industry bureau.* The animal industry bureau is under the direction of the state veterinarian and consists of the following units:

a. Animal health. This unit conducts brucellosis, pseudorabies, and tuberculosis control and eradication programs; issues quarantines and approves premises for receiving animals of unknown health status for feeding or isolation while under quarantine; monitors and investigates reports of foreign animal diseases; inspects and licenses cattle dealers, pig dealers, auction markets, hatcheries, and rendering plants; registers cattle brands; provides secretarial help, supplies and facilities for the board of veterinary medicine; maintains the capability to react to emergency situations; and maintains liaison with livestock producer groups.

b. Animal welfare. This unit licenses and regulates facilities that engage in commercial activities relating to animals in the pet industry including, but not limited to, pet stores, dog and cat breeders and dealers, animal shelters and pounds, and kennels.

1.2(2) *Commercial feed and fertilizer bureau.* The commercial feed and fertilizer bureau licenses feed mills and commercial feed manufacturing facilities; registers feed and stock tonic products; collects commercial feed tonnage fees; inspects medicated feed in accordance with Food and Drug Administration (FDA) rules and regulations; licenses and registers fertilizer plants and products;

collects, compiles, and distributes data on plant food consumption; collects commercial fertilizer tonnage fees and groundwater protection fees; approves, inspects and regulates all anhydrous ammonia installations; and licenses, samples, evaluates and certifies all limestone quarries.

1.2(3) *Dairy products control bureau.* This bureau conducts a statewide program of dairy products control and regulates all phases of production, processing, and manufacturing of Grade A and Grade B dairy foods (manufacturing milk), dairy food, milk and dairy products, and other by-products. The dairy program is a part of a national regulatory scheme which provides for the interstate shipment of raw milk, pasteurized milk, and dairy products.

1.2(4) *Grain warehouse bureau.* This bureau licenses, inspects and examines grain dealers and grain warehouse facilities and reviews financial statements of licensees to ensure compliance with requirements including payment of fees into the grain indemnity fund. The bureau also reviews claims made against the fund and makes recommendations on those claims to the grain indemnity fund board, upon which the board takes action.

1.2(5) *Meat and poultry inspection bureau.* This bureau enforces and administers Iowa Code chapter 189A, the meat and poultry inspection Act. It is a cooperative program with the United States Department of Agriculture. The program must maintain an "equal to" status with the federal Wholesome Meat and Poultry Products Inspection Acts. This bureau conducts inspections of facilities, animals, products, and labeling and exercises processing controls and reinspection of meat and poultry products for intrastate commerce.

1.2(6) *Pesticide bureau.* The pesticide bureau registers pesticide products, licenses and certifies pesticide applicators, establishes programs for best management practices of agricultural chemicals, monitors consumer products for pesticide residues, implements pesticide enforcement and certification programs of the Environmental Protection Agency, and cooperates with the department of natural resources and other agencies.

1.2(7) *Weights and measures bureau.* This bureau inspects and licenses for commercial use all weights and measures or weighing and measuring devices; conducts petroleum products sampling and testing, tests and certifies antifreeze, and conducts random package and labeling inspections of products offered for sale; registers and licenses all service agencies and persons who service or repair commercial weighing and measuring devices; approves or rejects all blueprints on new scale installations; and approves or rejects bonds for scale installation. The bureau maintains the state metrology laboratory and, following the rules and regulations of the National Institute of Standards and Technology and using the weights and measures standards that are traceable to the National Institute of Standards and Technology, adjusts, certifies and seals weights and measures used by state inspectors, commercial repairers and private industry. The bureau deals with renewable fuels and coproducts by facilitating increased production and consumption of products made from Iowa's agricultural commodities and by encouraging production and use of renewable fuels and coproducts.

1.2(8) *Entomology and seed laboratory.* This laboratory licenses establishments selling or distributing seeds that are sold for agricultural purposes; controls the movement of serious insect pests and plant diseases, including those under federal quarantine; and inspects nursery stock growers and dealers.

1.2(9) *Feed, fertilizer, vitamin and drug laboratory.* This laboratory analyzes feed and fertilizer samples to ensure that they comply with the guaranteed analysis. The laboratory analyzes medicated feed samples to ensure that they are manufactured and used in accordance with Food and Drug Administration (FDA) regulations. The laboratory also analyzes milk products for added vitamins A and D_3.

1.2(10) *Food, meat, poultry and dairy laboratory.* The food, meat, poultry and dairy laboratory analyzes samples to detect bacterial contamination and determine the composition of the product and substances added to determine wholesomeness and safety; certifies private dairy laboratories in the state; and tests public and private water supplies for bacteria and nitrate content.

1.2(11) *Pesticide residue and formulation laboratory.* The pesticide residue and formulation laboratory analyzes samples collected from pesticide retail establishments, from pesticide manufacturers to determine if pesticides have been used and produced properly, and during use/misuse investigations.

1.2(12) *Agricultural diversification and market development bureau.* This bureau processes applications for organic certification and works closely with the Iowa organic standards board to ensure approval of those applications that meet state and federal regulations. This bureau provides marketing opportunities for diversified agricultural products throughout the state.

1.2(13) *Agricultural marketing bureau.* This bureau works with the various boards of Iowa agricultural organizations to assist and support their respective marketing efforts. The bureau also seeks new opportunities to assist Iowa's private firms to find markets for their products. Additionally, the bureau provides Iowa livestock and grain producers with essential market information on a timely basis through the market news reporting service, a joint effort with the United States Department of Agriculture.

1.2(14) *Audit bureau.* This bureau analyzes reports filed by feed and fertilizer companies for fees paid into the general fund of the state. The bureau also makes audits to check for compliance with check-off law for the commodity promotion boards.

1.2(15) *Horse and dog bureau.* This bureau promotes the Iowa horse and dog breeding industry by registering qualified Iowa-foaled horses and Iowa-whelped dogs and working in cooperation with the racing industry. The bureau administers the payment of breeder awards to the breeders of qualified winning horses and dogs.

1.2(16) *Horticulture and farmers' market bureau.* This bureau includes the following units:

a. *Horticulture.* This unit lends direction, continuity, leadership, and administrative services and guidance to the Iowa horticulture industry. The horticulture unit works with the Iowa State Horticultural Society to promote and encourage horticulture with the individual affiliate groups and the Iowa State Horticultural Society as a whole. The unit identifies and helps determine the market potential for horticultural crops such as ornamental plants, fruits and vegetables, Christmas trees, herbs, mushrooms, grapes, nuts, and turf products. The horticulture unit monitors the conditions of the industry and identifies, collects, and distributes pertinent information concerning horticulture and related interests. The unit acts as a resource for horticultural producers and provides referrals for assistance in marketing, production, financial aid, disaster programs, and regulatory issues. The horticulture unit acts as a liaison between industry organizations, other state and federal agencies, universities, noncommercial horticultural groups, and the agricultural community.

b. *Farmers' markets.* This unit assists in the organization and improvement of farmers' markets throughout the state. The unit collects and distributes information pertinent to the markets and provides market managers assistance in vendor recruitment, market promotion, and regulatory issues.

c. *Farmers' market nutrition programs.* This unit administers programs designed to provide a supplemental source of fresh, locally grown fruits and vegetables for women, infants, and children, seniors, and other clients; and to increase the production, distribution, and consumption of locally grown fruits and vegetables.

[**ARC 7587B**, IAB 2/25/09, effective 2/5/09]

21—1.3(159) Administration division. In addition to the duties outlined in subrule 1.1(4), the director of the administration division, who is the deputy secretary of agriculture, assists the secretary in the preparation and presentation of the department's budget to the governor and the general assembly. The division provides personnel services and works with the secretary and other divisions in the selection, hiring, and most phases of employment record keeping and processing relative to pay, benefits, and employee status changes in relation to the department. The director shall serve as a liaison between the department and the department of management, the department of administrative services, and the state auditor. The bureaus and units under the supervision of the division are as follows:

1.3(1) *Accounting bureau.* The accounting bureau handles all accounting functions for the department, manages grants, formulates budget recommendations, performs various other business functions including the paying of bills and vouchers, and maintains adequate inventory of laboratory supplies.

1.3(2) *Agricultural diversification and market development bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(3) *Agricultural marketing bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(4) *Agricultural statistics bureau.* This bureau collects, prepares and publishes annual state farm census and other periodic research data, such as production figures, utilization of feed grains, grain stocks on hand, price variance, and marketing data on crops and livestock.

1.3(5) *Audit bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(6) *Climatology bureau.* This bureau collects data and keeps records on rainfall, snowfall, snowmelt, frost and sun days, and prepares various reports including publishing maps showing data by region.

1.3(7) *Horse and dog bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(8) *Horticulture and farmers market bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(9) *Information.* This unit is staffed by information specialists who prepare informational material for the public benefit under the direction of the secretary. The information specialists prepare information for use through the media including newspapers, radio, television, and magazines. Information specialists are also responsible for drafting brochures and cooperating with other state agencies in disseminating agricultural information and education.

1.3(10) *Renewable fuels and coproducts.* Rescinded IAB 2/25/09, effective 2/5/09.

[**ARC 7587B**, IAB 2/25/09, effective 2/5/09]

21—1.4(159) Soil conservation division. In addition to the duties outlined in subrule 1.1(4), the director of the soil conservation division advises the secretary on soil and water conservation matters and works with the state soil conservation committee in the adoption of rules relating to soil conservation, water resources, and mining. The division performs duties as designated in the Code of Iowa. The bureaus of the soil conservation division are as follows:

1.4(1) *Field services bureau.* This bureau works with elected soil and water conservation district commissioners and division of soil conservation personnel assigned to soil and water conservation districts. The bureau also coordinates water quality and watershed protection projects awarded to soil and water conservation districts.

1.4(2) *Financial incentives bureau.* This bureau works to control erosion on all agricultural land and administers incentive programs for the establishment of land treatment measures. The bureau also provides assistance and guidance to soil and water conservation districts.

1.4(3) *Mining bureau.* This bureau provides for the reclamation and conservation of land affected by surface mining. The bureau carries out coal regulatory and abandoned mine land programs and also regulates limestone and gypsum quarries, sand and gravel pits, and other mineral extraction operations.

1.4(4) *Water resources bureau.* This bureau coordinates water resources programs, including agricultural drainage well closures, watershed project development, and the conservation reserve enhancement program. The bureau also provides technical support on wetland issues, nutrient management, and other division programs.

These rules are intended to implement Iowa Code sections 17A.3 and 17A.4 and Iowa Code chapter 159.

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]
[Filed 3/30/77, Notice 2/23/77—published 4/20/77, effective 5/26/77]
[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]
[Filed 2/5/88, Notice 12/30/87—published 2/24/88, effective 3/30/88]
[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]
[Filed 12/24/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]
[Filed 5/5/02, Notice 2/6/02—published 5/29/02, effective 7/3/02]
[Filed Emergency ARC 7587B, IAB 2/25/09, effective 2/5/09]

CHAPTER 19
SERVICE SUPPLIED BY GAS UTILITIES
[Prior to 10/8/86, Commerce Commission [250]]

199—19.1(476) General information.

19.1(1) *Authorization of rules.* Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, contents and filing of reports, documents and other papers necessary to carry out the provisions of this law.

Iowa Code chapter 479 provides that the Iowa utilities board shall have full authority and power to promulgate rules as it deems proper and expedient in the supervision of the transportation or transmission and underground storage of gas within the state of Iowa.

The application of the rules in this chapter to municipally owned utilities furnishing gas is limited by Iowa Code section 476.1B.

19.1(2) *Application of rules.* The rules shall apply to any gas utility operating within the state of Iowa as defined in Iowa Code chapter 476 and shall supersede any tariff on file with this board which is in conflict with these rules. These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities. A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with rule 199—1.3(17A,474,476,78GA,HF2206). The adoption of these rules shall in no way preclude the board from altering or amending them, pursuant to statute, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions. These regulations shall in no way relieve any utility from any of its duties under the laws of this state.

19.1(3) *Definitions.* The following words and terms, when used in these rules shall have the meaning indicated below:

The abbreviations used, and their meanings, are as follows:

Btu—British thermal unit

LP-Gas—Liquefied Petroleum Gas

psig—Pounds per Square Inch, Gauge

W.C.—Water Column

"Appliance" refers to any device which utilizes gas fuel to produce light, heat or power.

"Board" means the Iowa utilities board.

"Complaint" as used in these rules is a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility failure to fulfill an obligation.

"Cubic foot" of gas has the following meanings:

1. Where gas is supplied and metered to customers at the pressure (as defined in 19.7(2)) normally used for domestic customers' appliances, a cubic foot of gas shall be that quantity of gas which, at the temperature and pressure existing in the meter, occupies one cubic foot, except that where a temperature compensated meter is used, the temperature base shall be 60°F.

2. When gas is supplied to customers at other than the pressure in (1) above, the utility shall specify in its rules the base for measurement of a cubic foot of gas (see 19.2(4)*"c"* (6)). Unless otherwise stated by the utility, such cubic foot of gas shall be that quantity of gas which, at a temperature of 60°F and a pressure of 14.73 pounds per square inch absolute, occupies one cubic foot.

3. The standard cubic foot of gas for testing the gas itself for heating value shall be that quantity of gas, saturated with water vapor, which, at a temperature of 60°F and a pressure of 30 inches of mercury, occupies one cubic foot. (Temperature of mercury = 32°F acceleration due to gravity = 32.17 ft. per second per second density = 13.595 grams per cubic centimeter.)

"Customer" means any person, firm, association, or corporation, any agency of the federal, state or local government, or legal entity responsible by law for payment for the gas service or heat from the gas utility.

"Delinquent" or *"delinquency"* means an account for which a service bill or service payment agreement has not been paid in full on or before the last day for timely payment.

"Gas," unless otherwise specifically designated, means manufactured gas, natural gas, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed or furnished by any gas utility.

"Gas plant" means all facilities including all real estate, fixtures and property owned, controlled, operated or managed by a gas utility for the production, storage, transmission and distribution of gas and heat.

"Heating and calorific values." The following values shall be used:

1. *"British thermal unit"* (Btu) is the quantity of heat that must be added to one avoirdupois pound of pure water to raise its temperature from 58.5°F to 59.5°F under standard pressure.

2. *"Dry calorific value"* of a gas (total or net) is the value of the total or the net calorific value of the gas divided by the volume of dry gas in a standard cubic foot.

NOTE: The amount of dry gas in a standard cubic foot is .9826 cubic foot.

3. *"Net calorific value"* of a gas is the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air, and products of combustion being 60°F and all water formed by the combustion reaction remaining in the vapor state.

NOTE: The net calorific value of a gas is its total calorific value minus the latent heat of evaporation at standard temperature of the water formed by the combustion reaction.

4. *"Therm"* means 100,000 British thermal units.

5. *"Total calorific value"* of a gas is the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air and products of combustion being 60°F and all water formed by the combustion reaction condensed to the liquid state.

"Interruption of service" means any disturbance of the gas supply whereby gas service to a customer cannot be maintained.

"Loss factor" as used in rule 19.10(476) means test-year purchases less test-year sales. A five-year average of purchases less sales may be used if the test year is determined by the board to be abnormal.

"Main" means a gas pipe, owned, operated, or maintained by a utility, which is used for the purpose of transmission or distribution of gas, but does not include "service line".

"Meter," without other qualification, shall mean any device or instrument which is used by a utility in measuring a quantity of gas.

"Meter shop" is a shop where meters are inspected, repaired and tested, and may be at a fixed location or may be mobile.

"Pressure," unless otherwise stated, is expressed in pounds per square inch above atmospheric pressure, i.e., gauge pressure (abbreviation-psig).

"Rate-regulated utility" means any utility as defined in the definition of "utility" below which is subject to rate regulation provided for in Iowa Code chapter 476.

"Service line" means a distribution line that transports gas from a common source of supply to a customer meter or the connection to a customer's piping, whichever is farther downstream, or the connection to a customer's piping if there is not a customer meter. A customer meter is the meter that measures the transfer of gas from a utility to a customer.

"Tap" or *"town border station"* means the delivery point or measuring station at which a gas distribution utility receives gas from a natural gas transmission company.

"Tariff" means the entire body of rates, tolls, rentals, charges, classifications, rules, procedures, policies, etc., adopted and filed with the board by a gas utility in fulfilling its role of furnishing gas service.

"Timely payment" is a payment on a customer's account made on or before the date shown on a current bill for service or on a form which records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as the date which determines application of a late payment charge to the current bill or future collection efforts.

"Utility" means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing gas or heat to the public for compensation.

199—19.2(476) Records, reports, and tariffs.

19.2(1) *Location and retention of records.* Unless otherwise specified in this chapter, all records required by these rules shall be kept and preserved in accordance with the applicable provisions of Chapter 18 of the board's rules, Utility Records.

19.2(2) *Tariffs to be filed with the board.* The schedules of rates and rules of rate-regulated gas utilities shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not be required to file schedules of rates, rules, or contracts primarily concerned with a rate schedule with the board, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

19.2(3) *Form and identification.* All tariffs shall conform to the following rules:

a. The tariff shall be printed, typewritten or otherwise reproduced on 8½- × 11- inch sheets of durable white paper so as to result in a clear and permanent record. The sheets of the tariff should be ruled or spaced to set off a border on the left side suitable for binding. In the case of utilities subject to regulation by any federal agency the format of sheets of tariff as filed with the board may be the same format as is required by the federal agency provided that the rules of the board as to title page; identity of superseding, replacing or revision sheets; identity of amending sheets; identity of the filing utility, issuing official, date of issue, effective date; and the words, "Gas Tariff Filed with Board" shall apply in the modification of the federal agency format for the purposes of filing with this board.

b. The title page of every tariff and supplement shall show:

(1) The first page shall be the title page which shall show:

(Name of Public Utility)
Gas Tariff
Filed with
Iowa Utilities Board

(date)

(This requirement does not apply to tariffs or amendments filed with the board prior to April 1, 1982.)

(2) When a tariff is to be superseded or replaced in its entirety, the replacing tariff shall show on the upper right corner of its title page that it is a revision of a tariff on file and the number being superseded or replaced, for example:

Tariff No. _____
Supersedes Tariff No. _____

(This requirement does not apply to tariffs or amendments filed with the board prior to April 1, 1982.)

(3) When a new part of a tariff eliminates an existing part of a tariff it shall so state and clearly identify the part eliminated.

(4) Any tariff modifications as defined in "3" above replacing tariff sheets shall be marked in the right margin with symbols as herein described to indicate the place, nature and extent of the change in text.

Symbol	*Meaning*
(C)	A change in regulation
(D)	A discontinued rate, treatment or regulation
(I)	An increased rate or new treatment resulting in increased rate

Symbol	*Meaning*
(N)	A new rate, treatment or regulation
(R)	A reduced rate or new treatment resulting in a reduced rate
(T)	A change in text but no change in rate, treatment or regulation

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following information:

(1) Name of utility under which shall be set forth the words "Filed with Board." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date (to be left blank by rate-regulated utilities).

d. All sheets except the title page shall have the following form:

(Company Name)	(Part identification)
Gas Tariff	(This sheet identification)
Filed with board	(Canceled sheet identification, if any)
(Content of tariff)	
Issued: (Date)	Effective:
Issued by: (Name, title)	(Proposed Effective Date:)

The issued date is the date the tariff or the amended sheet content was adopted by the utility.

The effective date will be left blank by rate-regulated utilities and shall be determined by the board. The utility may propose an effective date.

19.2(4) *Content of tariffs.* A tariff filed with the board shall contain:

a. A table of contents containing a list of rate schedules and other sections in the order in which they appear showing the sheet number of the first page of each section.

b. All rates of utilities subject to rate regulation for service with indication of each rate for the type of gas and the class of customers to which each rate applies. There shall also be shown the prices per unit of service, the number of units per billing period to which the prices apply, the period of billing, the minimum bill, the method of measuring demands and consumptions, including the method of calculating or estimating loads or minimums, delivery pressure, and any special terms or conditions applicable. All rates should be separated into "gas" and "nongas" components, and books and records shall be maintained on this basis. Books and records shall be available to the board for audits upon request. The gas components will be the result of the utility's periodic review of gas procurement practices (rule 19.11(476)) and PGA (rule 19.10(476)) proceeding. The nongas components will be established through rate case proceedings under Iowa Code section 476.3 or 476.6. The period during which the net amount may be paid before the account becomes delinquent shall be specified. In any case where net and gross amounts are billed, the difference between net and gross is a late payment charge and shall be so specified.

Customer charges for all special services relating to providing the basic utility service including, but not limited to, reconnect charge and different categories of service calls shall be specified.

c. A copy of the utility's rules, or terms and conditions, describing the utility's policies and practices in rendering service shall include:

(1) A statement as to the equivalent total heating value of the gas in Btu's per cubic foot on which their customers are billed. If necessary, this may be listed by district, division or community.

(2) The list of the items which the utility furnishes, owns, and maintains on the customer's premises, such as service pipe, meters, regulators, vents and shut-off valves.

(3) General statement indicating the extent to which the utility will provide service in the adjustment of customer appliances at no additional customer charge.

(4) General statement of the utility's policy in making adjustments for wastage of gas when such wastage occurs without the knowledge of the customer.

(5) A statement indicating the minimum number of days allowed for payment after the due date of the customer's bill before service will be discontinued for nonpayment.

(6) A statement indicating the volumetric measurement base to which all sales of gas at other than standard delivery pressure are corrected.

(7) Forms of standard contracts required of customers for the various types of service available.

(8) All tariffs must provide that, notwithstanding any other provision of this tariff or contract with reference thereto, all rates and charges contained in this tariff or contract with reference thereto may be modified at any time by a subsequent filing made pursuant to the provisions of Iowa Code chapter 476.

(9) A copy of each type of customer bill.

(10) Definitions of classes of customer.

(11) Rules for extending service in accordance with 19.3(10).

(12) Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

(13) Rules governing the establishment and maintenance of credit by customers for payment of service bills.

(14) Rules governing disconnecting and reconnecting service.

(15) Notice required from customer for having service discontinued.

(16) Rules covering temporary, emergency, auxiliary, and stand-by service.

(17) Rules shall show any limitations on loads and cover the type of equipment which may or may not be connected.

(18) Rate-regulated utilities shall include a list of service areas and the applicable rates in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service.

(19) Rules on meter reading, billing periods, bill issuance, timely customer payment, notice of delinquency and service disconnection for nonpayment of bill.

(20) Rules on how a customer or prospective customer should file a complaint with the utility, and how the complaint will be processed.

(21) Rules on how a customer, disconnected customer or potential customer for residential service may negotiate for a payment agreement on amount due, determination of even payment amounts, and time allowed for payments.

(22) If a sliding scale or automatic adjustment is applicable to regulated rates or charges of billed customers, the manner and method of such adjustment calculation shall be covered through a detailed explanation.

19.2(5) *Annual, periodic and other reports to be filed with the board.*

a. *System map verification.* A utility shall file annually with the board a verification that it has a correct set of utility system maps for each operating or distribution area. The maps shall show:

(1) Peak shaving facilities location.

(2) Feeder and distribution mains indicating size and pressure.

(3) System metering (town border stations and other supply points).

(4) Regulator stations in system indicating inlet and outlet pressures.

(5) Calorimeter location.

(6) State boundary crossing.

(7) Franchise area.

(8) Names of all communities (post offices) served.

b. *Incident reports.* Rescinded IAB 1/30/08, effective 3/5/08.

c. *Construction programs.* Rescinded IAB 11/19/97, effective 12/24/97.

d. *Reports of gas service.* Each utility shall compile a monthly record of gas service. The record shall be completed within 30 days after the end of the month covered. The compilation is to be kept available, for inspection by the board or its staff, at the utility's principal office within the state of Iowa. Such record shall contain:

(1) The daily and monthly average of total heating values of gas in accordance with 19.7(6).

(2) The monthly acquisition and disposition of gas.

(3) Interruptions of service occurring during the month in accordance with 19.7(7). If there were no interruptions, then it should be so stated.

(4) The number of customer pressure investigations made and the results.

(5) The number of customer meters tested and test results tabulated as follows: The number that falls into limits 0 to + 2%, + 2 to + 4%, 0 to - 2%, - 2 to - 4%, over + 4%, under - 4%, and "Does Not Register" in accuracy.

(6) Progress on leak survey programs including the number of leaks found classified as to hazard and nature, and if known, the cause and type of pipe involved.

(7) Number of district regulators checked and nature of repairs required.

(8) Number of house regulators checked and nature of repairs required.

(9) Description of any unusual operating difficulties.

(10) Type of odorant and monthly average pounds per million cubic feet used in each individual distribution system.

A summary of the 12 monthly gas service records for each calendar year shall be attached to and submitted with the utility's annual fiscal plant and statistical report to the board.

e. *Filing published meter and service installation rules.* A copy of the utility's current rules, if any, published or furnished by the utility for the use of engineers, architects, plumbing contractors, etc., covering meter and service installation shall be filed with the board.

f. *Filing customer bill forms.* A copy of each type of customer bill form in current use shall be filed with the board.

g. *Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through June 27, 2007, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

h. *Change in rate.* A notification to the board shall be made of any planned change in rate of service by a utility even though the change in rate of service is provided for in its tariff filing with the board. This information shall reflect the amount of increase or decrease and the effective date of application. An up-to-date tariff sheet shall be supplied to the Iowa utilities board for its copy of the tariff showing the current rates.

i. *List of persons authorized to receive board inquiries.* Each utility shall file with the board in the annual report required by 199—subrule 23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) pipeline permits (gas). Each utility shall file with the board a telephone contact number or numbers where the board can obtain current information 24 hours a day about incidents and interruptions of service from a knowledgeable person. The contact information required by this paragraph shall be kept current as changes or corrections are made.

j. *Residential customer statistics.* Each rate-regulated gas utility shall file with the board on or before the fifteenth day of each month one copy of the following residential customer statistics for the preceding month:

(1) Number of accounts;

(2) Number of accounts certified as eligible for energy assistance since the preceding October 1;

(3) Number of accounts past due;

(4) Number of accounts eligible for energy assistance and past due;

(5) Total revenue owed on accounts past due;

(6) Total revenue owed on accounts eligible for energy assistance and past due;

(7) Number of disconnection notices issued;

(8) Number of disconnection notices issued on accounts eligible for energy assistance;

(9) Number of disconnections for nonpayment;

(10) Number of reconnections;

(11) Number of accounts determined uncollectible; and

(12) Number of accounts eligible for energy assistance and determined uncollectible.

k. *Monthly, periodic and annual reports.* Each utility shall file such other monthly, periodic and annual reports as are requested by the board. Monthly and periodic reports shall be due in the board's office within 30 days after the end of the reporting period. All annual reports shall be filed with this board by April 1 of each year for the preceding calendar year.

This rule is intended to implement Iowa Code section 476.2.

199—19.3(476) General service requirements.

19.3(1) *Disposition of gas.* The meter and any service line pressure regulator shall be owned by the utility. The utility shall place a visible seal on all meters and service line regulators in customer use, such that the seal must be broken to gain entry.

a. All gas sold by a utility shall be on the basis of meter measurement except:

(1) Where the consumption of gas may be readily computed without metering; or

(2) For temporary service installations.

b. The amount of all gas delivered to multioccupancy premises within a single building, where units are separately rented or owned, shall be measured on the basis of individual meter measurement for each unit, except in the following instances:

(1) Where gas is used in centralized heating, cooling or water-heating systems;

(2) Where a facility is designated for elderly or handicapped persons;

(3) Where submetering or resale of service was permitted prior to 1966; or

(4) Where individual metering is impractical. "Impractical" means: (1) where conditions or structural barriers exist in the multioccupancy building that would make individual meters unsafe or physically impossible to install; (2) where the cost of providing individual metering exceeds the long-term benefits of individual metering; or (3) where the benefits of individual metering (reduced and controlled energy consumption) are more effectively accomplished through a master meter arrangement.

If a multioccupancy building is master-metered, the end-user occupants may be charged for natural gas as an unidentified portion of the rent, condominium fee, or similar payment, or, if some other method of allocating the cost of the gas service is used, the total charge for gas service shall not exceed the total gas bill charged by the utility for the same period.

c. Master metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multioccupancy premises within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph 19.3(1)*"b"* have been met.

d. For purposes of this subrule, a "master meter" means a single meter used in determining the amount of natural gas provided to a multioccupancy building or multiple buildings.

e. This rule shall not be construed to prohibit any utility from requiring more extensive individual metering than otherwise required by this rule if pursuant to tariffs filed with and approved by the board.

f. All gas consumed by the utility shall be on the basis of meter measurement except where consumption may be readily computed without metering or where metering is impractical.

19.3(2) *Condition of meter.* Rescinded IAB 11/12/03, effective 12/17/03. See 199 IAC 19.6(7).

19.3(3) *Meter reading records.* The meter reading records shall show:

a. Customer's name, address, rate schedule, or identification of rate schedule.

b. Identifying number or description of the meter(s).

c. Meter readings.

d. If the reading has been estimated.

e. Any applicable multiplier or constant, or reference thereto.

19.3(4) *Meter charts.* All charts taken from recording meters shall be marked with the initial and final date and hour of the record, the meter identification, customer's name and location and the chart multiplier.

19.3(5) *Meter register.* If it is necessary to apply a multiplier to the meter readings, the multiplier must be marked on the face of the meter register or stenciled in weather resistant paint upon the front cover of the meter. Where remote meter reading is used, whether outdoor on-premises or

off-premises-automated, the customers shall have a readable meter register at the meter as a means of verifying the accuracy of bills presented to them.

19.3(6) *Prepayment meters.* Prepayment meters shall not be geared or set so as to result in the charge of a rate or amount higher than would be paid if a standard type meter were used, except under such special rate schedule as may be filed under 19.2(4).

19.3(7) *Meter reading and billing interval.* Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without an exemption from the board. A waiver request must include the information required by 199—1.3(17A,474,476,78GA,HF2206). If the board denies a waiver, or if a waiver is not sought with respect to a large volume customer after the initial month, that customer's bill shall be rendered monthly for the next 12 months, unless prior approval is received from the board for a shorter interval. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. The utility rules may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery. Unless the utility has a plan to test check meter readings, a utility representative shall physically read the meter at least once each 12 months and when the utility is notified there is a change of customer.

The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check electronic meter readings, a utility representative shall physically read the meter at least once every 12 months.

19.3(8) *Readings and estimates.* When a customer is connected or disconnected or the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter reading period, such bill shall be prorated on a daily basis.

When access to meters cannot be gained, the utility may leave with the customer a meter reading form. The customer may provide the meter reading by telephone, electronic mail (if it is allowed by the utility), or by mail. If the meter reading information is not returned in time for the billing operation, an estimated bill may be rendered. If an actual meter reading cannot be obtained, the utility may render an estimated bill without reading the meter or supplying a meter reading form to the customer. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be rendered.

The utility shall incorporate normalized weather data in its calculation of an estimated bill.

Utilities shall file with the board their procedures for calculating estimated bills, including their procedures for determining the reasonable degree-day data to use in the calculations. Utilities shall inform the board when changes are made to the procedures for calculating estimated bills.

19.3(9) *Temporary service.* When the utility renders a temporary service to a customer it may require that the customer bear all the cost of installing and removing the service in excess of any salvage realized.

19.3(10) *Plant additions, distribution main extensions, and service lines.*

a. Definitions. The following definitions shall apply to the terms as used in this subrule.

"Advance for construction," as used in this subrule, means cash payments or equivalent surety made to the utility by an applicant for an extensive plant addition or a distribution main extension, portions of which may be refunded depending on any subsequent service line attached to the extensive plant addition or distribution main extension. Cash payments or equivalent surety shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability.

"Agreed-upon attachment period," as used in this subrule, means a period of not less than 30 days nor more than one year mutually agreed upon by the utility and the applicant within which the customer will attach. If no time period is mutually agreed upon, the agreed-upon attachment period shall be deemed to be 30 days.

"Contribution in aid of construction," as used in this subrule, means a nonrefundable cash payment grossed-up for the income tax effect of such revenue covering the costs of a distribution main extension or service line that are in excess of costs paid by the utility. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability.

"Distribution main extension," as used in this subrule, means a segment of pipeline installed to convey gas to individual service lines or other distribution mains.

"Estimated annual revenues," as used in this subrule, shall be calculated based upon the following factors, including, but not limited to: The size of the facility to be used by the customer, the size and type of equipment to be used by the customer, the average annual amount of service required by the equipment, and the average number of hours per day and days per year the equipment will be in use.

"Estimated base revenues," as used in this subrule, shall be calculated by subtracting the cost of purchased gas and energy efficiency charges from estimated annual revenues.

"Estimated construction costs," as used in this subrule, shall be calculated using average current costs in accordance with good engineering practices and upon the following factors: amount of service required or desired by the customer requesting the distribution main extension or service line; size, location, and characteristics of the distribution main extension or service line, including appurtenances; and whether the ground is frozen or whether other adverse conditions exist. In no event shall estimated construction costs include costs associated with facilities built for the convenience of the utility. The customer shall be charged actual permit fees in addition to estimated construction costs. Permit fees are to be paid regardless of whether the customer is required to pay an advance for construction or a nonrefundable contribution in aid of construction, and the cost of any permit fee is not refundable.

"Plant addition," as used in this subrule, means any additional plant, other than a distribution main or service line, required to be constructed to provide service to a customer.

"Service line," as used in this subrule, means the piping that extends from the distribution main to the meter set riser.

"Similarly situated customer," as used in this subrule, means a customer whose annual consumption or service requirements, as defined by estimated annual revenue, are approximately the same as the annual consumption or service requirements of other customers.

"Utility," as used in this subrule, means a rate-regulated utility.

b. Plant additions. The utility shall provide all gas plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served. A written contract between the utility and the customer which requires an advance for construction by the customer to make plant additions shall be available for board inspection.

c. Distribution main extensions. Where the customer will attach to the distribution main extension within the agreed-upon attachment period after completion of the distribution main extension, the following shall apply:

(1) The utility shall finance and make the distribution main extension for a customer without requiring an advance for construction if the estimated construction costs to provide a distribution main extension are less than or equal to three times estimated base revenue calculated on the basis of similarly situated customers. The utility may use a feasibility model, rather than three times estimated base revenue, to determine what, if any, advance for construction is required of the customer. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. Whether or not the construction of the distribution main extension would otherwise require a payment from a customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(2) If the estimated construction cost to provide a distribution main extension is greater than three times estimated base revenue calculated on the basis of similarly situated customers, the applicant for a distribution main extension shall contract with the utility and make, no more than 30 days prior to commencement of construction, an advance for construction equal to the estimated construction cost less three times estimated base revenue to be produced by the customer. The utility may use a feasibility

model to determine whether an advance for construction is required. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for board inspection upon request. Whether or not the construction of the distribution main extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(3) Where the customer will not attach within the agreed-upon attachment period after completion of the distribution main extension, the applicant for the distribution main extension shall contract with the utility and make, no more than 30 days prior to the commencement of construction, an advance for construction equal to the estimated construction cost. The utility may use a feasibility model to determine the amount of the advance for construction. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for board inspection upon request. Whether or not the construction of the distribution main extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(4) Advances for construction may be paid by cash or equivalent surety and shall be refundable for ten years. The customer has the option of providing an advance for construction by cash or equivalent surety unless the utility determines that the customer has failed to comply with the conditions of a surety in the past.

(5) Refunds. When the customer is required to make an advance for construction, the utility shall refund to the depositor for a period of ten years from the date of the original advance a pro-rata share for each service line attached to the distribution main extension. The pro-rata refund shall be computed in the following manner:

1. If the combined total of three times estimated base revenue, or the amount allowed by the feasibility model, for the distribution main extension and each service line attached to the distribution main extension exceeds the total estimated construction cost to provide the distribution main extension, the entire amount of the advance for construction shall be refunded.

2. If the combined total of three times estimated base revenue, or the amount allowed by the feasibility model, for the distribution main extension and each service line attached to the distribution main extension is less than the total estimated construction cost to provide the distribution main extension, the amount to be refunded shall equal three times estimated base revenue, or the amount allowed by the feasibility model, when a service line is attached to the distribution main extension.

3. In no event shall the total amount to be refunded exceed the amount of the advance for construction. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-described ten-year period, the advance for construction record shall be closed and the remaining balance shall be credited to the respective plant account.

(6) The utility shall keep a record of each work order under which the distribution main extension was installed, to include the estimated revenues, the estimated construction costs, the amount of any payment received, and any refunds paid.

d. Service lines.

(1) The utility shall finance and construct a service line without requiring a nonrefundable contribution in aid of construction or any payment by the applicant where the length of the service line to the riser is up to 50 feet on private property or 100 feet on private property if polyethylene plastic pipe is used.

(2) Where the length of the service line exceeds 50 feet on private property or 100 feet if polyethylene plastic pipe is used, the applicant shall be required to provide a nonrefundable contribution in aid of construction, within 30 days after completion, for that portion of the service line on private property, exclusive of the riser, in excess of 50 feet or in excess of 100 feet if polyethylene plastic pipe is used. The nonrefundable contribution in aid of construction for that portion of the service line shall be computed as follows:

$$\text{(Estimated Construction Costs)} \times \frac{\text{(Total Length in Excess of 50 Feet) or (Total Length in Excess of 100 Feet)}}{\text{(Total Length of Service Line)}}$$

(3) A utility may adopt a tariff or rule that allows the utility to finance and construct a service line of more than 50 feet, or 100 feet if polyethylene plastic pipe is used, without requiring a nonrefundable contribution in aid of construction from the customer if the tariff or rule applies equally to all customers.

(4) Whether or not the construction of the service line would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees.

e. *Extensions not required.* Utilities shall not be required to make distribution main extensions or attach service lines as described in this subrule, unless the distribution main extension or service line shall be of a permanent nature.

f. *Different payment arrangement.* This subrule shall not be construed as prohibiting any utility from making a contract with a customer using a different payment arrangement, if the contract provides a more favorable payment arrangement to the customer, so long as no discrimination is practiced among customers.

19.3(11) *Cooperation and advance notice.* In order that full benefit may be derived from this chapter and in order to facilitate its proper application, all utilities shall observe the following cooperative practices:

a. Every utility shall give to other public utilities in the same general territory advance notice of any construction or change in construction or in operating conditions of its facilities concerned or likely to be concerned in situations of proximity, provided, however, that the requirements of this chapter shall not apply to routine extensions or minor changes in the local underground distribution facilities.

b. Every utility shall assist in promoting conformity with this chapter. An arrangement should be set up among all utilities whose facilities may occupy the same general territory, providing for the interchange of pertinent data and information including that relative to proposed and existing construction and changes in operating conditions concerned or likely to be concerned in situations of proximity.

This rule is intended to implement 42 U.S.C.A. §8372, 10 CFR 516.30, and Iowa Code section 476.8.

[**ARC 7584B**, IAB 2/25/09, effective 4/1/09]

199—19.4(476) Customer relations.

19.4(1) *Customer information.* Each utility shall:

a. Maintain up-to-date maps, plans or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers in its service area.

b. Assist the customer or prospective customer in selecting the most economical rate schedule available for the proposed type of service.

c. Notify customers affected by a change in rates or schedule classification in the manner provided in the rules of practice and procedure before the board. (199—7.4(476)IAC)

d. Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the board, are available for public inspection. If the utility provides access to its rate schedules and rules for service on its Web site, the notice should include the Web site address.

e. Upon request, inform its customers as to the method of reading meters.

f. State, on the bill form, that tariff and rate schedule information is available upon request at the utility's local business office.

g. Upon request, transmit a statement of either the customer's actual consumption, or degree day adjusted consumption, at the company's option, of natural gas for each billing period during the prior 12 months.

h. Furnish such additional information as the customer may reasonably request.

i. Promptly and courteously resolve inquiries for information or complaints. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer that will enable the customer to reach that employee again if needed.

Each utility shall notify its customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Board by calling (515)281-3839 or toll-free 1-877-565-4450, or by writing to 350 Maple Street, Des Moines, Iowa 50319, or by E-mail to iubcustomer@iub.state.ia.us."

The bill insert or notice for municipal utilities shall include the following statement: "If your complaint is related to service disconnection, safety, or renewable energy, and (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Board by calling (515)281-3839, or toll-free 1-877-565-4450, by writing to 350 Maple Street, Des Moines, Iowa 50319, or by E-mail to iubcustomer@iub.state.ia.us."

The bill insert or notice on the bill shall be provided monthly by utilities serving more than 50,000 Iowa retail customers and no less than annually by all other natural gas utilities. Any utility which does not use the standard statement described in this paragraph shall file its proposed statement in its tariff for approval. A utility that bills by postcard may place an advertisement in a local newspaper of general circulation or a customer newsletter instead of a mailing. The advertisement must be of a type size that is easily legible and conspicuous and must contain the information set forth above.

19.4(2) *Customer deposits.*

a. Each utility may require from any customer or prospective customer a deposit intended to guarantee partial payment of bills for service. Each utility shall allow a person other than the customer to pay the customer's deposit. In lieu of a cash deposit, the utility may accept the written guarantee of a surety or other responsible party as surety for an account. Upon termination of a guarantee contract, or whenever the utility deems the contract insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice.

b. A new or additional deposit may be required from a customer when a deposit has been refunded or is found to be inadequate. Written notice shall be mailed advising the customer of any new or additional deposit requirement. The customer shall have no less than 12 days from the date of mailing to comply. The new or additional deposit shall be payable at any of the utility's business offices or local authorized agents. An appropriate receipt shall be provided. No written notice is required to be given of a deposit required as a prerequisite for commencing initial service.

c. No deposit shall be required as a condition for service other than determined by application of either credit rating or deposit calculation criteria, or both, of the filed tariff.

d. The total deposit for any residential or commercial customer for a place which has previously received service shall not be greater than the highest billing of service for one month for the place in the previous 12-month period. The deposit for any residential or commercial customer for a place which has not previously received service or for an industrial customer, shall be the customer's projected one-month usage for the place to be served as determined by the utility, or as may be reasonably required by the utility in cases involving service for short periods or special occasions.

19.4(3) *Interest on customer deposits.* Interest shall be paid by the rate-regulated utility to each customer required to make a deposit. On or after April 21, 1994, rate-regulated utilities shall compute interest on customer deposits at 7.5 percent per annum, compounded annually. Interest for prior periods shall be computed at the rate specified by the rule in effect for the period in question. Interest shall be paid for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the

customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

19.4(4) *Customer deposit records.* Each utility shall keep records to show:

a. The name and address of each depositor.

b. The amount and date of the deposit.

c. Each transaction concerning the deposit.

19.4(5) *Customer's receipt for a deposit.* Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish claim if the receipt is lost.

19.4(6) *Deposit refund.* A deposit shall be refunded after 12 consecutive months of prompt payment (which may be 11 timely payments and one automatic forgiveness of late payment), unless the utility is entitled to require a new or additional deposit. For refund purposes, the account shall be reviewed after 12 months of service following the making of the deposit and for each 12-month interval terminating on the anniversary of the deposit. However, deposits received from customers subject to the exemption provided by subrule 19.3(7), including surety deposits, may be retained by the utility until final billing. Upon termination of service, the deposit plus accumulated interest, less any unpaid utility bill of the customer, shall be reimbursed to the person who made the deposit.

19.4(7) *Unclaimed deposits.* The utility shall make a reasonable effort to return each unclaimed deposit and accrued interest after the termination of the services for which the deposit was made. The utility shall maintain a record of deposit information for at least two years or until such time as the deposit, together with accrued interest, escheats to the state pursuant to Iowa Code section 556.4, at which time the record and deposit, together with accrued interest less any lawful deductions, shall be sent to the state treasurer pursuant to Iowa Code section 556.11.

19.4(8) *Customer bill forms.* Each customer shall be informed as promptly as possible following the reading of the customer's meter, on bill form or otherwise, the following:

a. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.

b. The dates on which the meter was read at the beginning and end of the billing period.

c. The number and kind of units metered.

d. The applicable rate schedule or identification of the applicable rate schedule.

e. The account balance brought forward and the amount of each net charge for rate-schedule-priced utility service, sales tax, other taxes, late payment charge, and total amount currently due. In the case of prepayment meters, the amount of money collected shall be shown.

f. The last date for timely payment shall be clearly shown and shall be not less than 20 days after the bill is rendered.

g. A distinct marking to identify an estimated bill.

h. A distinct marking to identify a minimum bill.

i. Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors, such as sliding scale or automatic adjustment and amount of sales tax adjustments used in determining the bill.

19.4(9) *Customer billing information alternate.* A utility serving fewer than 5000 gas customers may provide the information in 19.4(8) on bill form or otherwise. If the utility elects not to provide the information of 19.4(8) on the bill form, it shall advise the customer, on the bill form or by bill insert, that such information can be obtained by contacting the utility's local office.

19.4(10) *Payment agreements.*

a. *Availability of a first payment agreement.* When a residential customer cannot pay in full a delinquent bill for utility service or has an outstanding debt to the utility for residential utility service and is not in default of a payment agreement with the utility, a utility shall offer the customer an opportunity to enter into a reasonable payment agreement.

b. *Reasonableness.* Whether a payment agreement is reasonable will be determined by considering the current household income, ability to pay, payment history including prior defaults on similar agreements, the size of the bill, the amount of time and the reasons why the bill has been

outstanding, and any special circumstances creating extreme hardships within the household. The utility may require the person to confirm financial difficulty with an acknowledgment from the department of human services or another agency.

c. Terms of payment agreements.

(1) *First payment agreement.* The utility shall offer customers who have received a disconnection notice or have been disconnected 120 days or less and who are not in default of a payment agreement the option of spreading payments evenly over at least 12 months by paying specific amounts at scheduled times. The utility shall offer customers who have been disconnected more than 120 days and who are not in default of a payment agreement the option of spreading payments evenly over at least 6 months by paying specific amounts at scheduled times.

1. The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules. The utility may also require the customer to enter into a level payment plan to pay the current bill.

2. When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer.

3. The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission. When the customer makes the agreement over the telephone or through electronic transmission, the utility shall render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral agreement or electronic agreement. The document will be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free or collect telephone number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement or electronic agreement.

4. Each customer entering into a first payment agreement shall be granted at least one late payment that is made four days or less beyond the due date for payment and the first payment agreement shall remain in effect.

(2) *Second payment agreement.* The utility shall offer a second payment agreement to a customer who is in default of a first payment agreement if the customer has made at least two consecutive full payments under the first payment agreement. The second payment agreement shall be for the same term as or longer than the term of the first payment agreement. The customer shall be required to pay for current service in addition to the monthly payments under the second payment agreement and may be required to make the first payment up-front as a condition of entering into the second payment agreement. The utility may also require the customer to enter into a level payment plan to pay the current bill. The utility may offer additional payment agreements to the customer.

d. Refusal by utility. A customer may offer the utility a proposed payment agreement. If the utility and the customer do not reach an agreement, the utility may refuse the offer orally, but the utility must render a written refusal of the customer's final offer, stating the reason for the refusal, within three days of the oral notification. The written refusal shall be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the written refusal shall be considered rendered to the customer when handed to the customer or when delivered to the last-known address of the person responsible for the payment for the service.

A customer may ask the board for assistance in working out a reasonable payment agreement. The request for assistance must be made to the board within ten days after the rendering of the written refusal. During the review of this request, the utility shall not disconnect the service.

19.4(11) *Bill payment terms.* The bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. There shall be not less than 20 days between the rendering of a bill and the date by which the account becomes delinquent. Bills for customers on more frequent billing intervals under subrule 19.3(7) may not be considered delinquent less than 5 days from the date of rendering. However, a late payment charge may not be assessed if payment is received within 20 days of the date the bill is rendered.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 250 ccf per month shall be changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. In no case, however, shall the utility be required to delay the date of delinquency more than 30 days beyond the date of preparation of the previous bill.

b. In any case where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge. This rule does not prohibit cost-justified charges for disconnection and reconnection of service.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall be credited pro rata between the bill for utility services and related taxes.

d. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified that the eligibility has been used. Complete forgiveness prohibits any effect upon the credit rating of the customer or collection of late payment charge.

e. Level payment plan. Utilities shall offer a level payment plan to all residential customers or other customers whose consumption is less than 250 ccf per month. A level payment plan should be designed to limit the volatility of a customer's bill and maintain reasonable account balances. The level payment plan shall include at least the following:

(1) Be offered to each eligible customer when the customer initially requests service.

(2) Allow for entry into the level payment plan anytime during the calendar year.

(3) Provide that a customer may request termination of the plan at any time. If the customer's account is in arrears at the time of termination, the balance shall be due and payable at the time of termination. If there is a credit balance, the customer shall be allowed the option of obtaining a refund or applying the credit to future charges. A utility is not required to offer a new level payment plan to a customer for six months after the customer has terminated from a level payment plan.

(4) Use a computation method that produces a reasonable monthly level payment amount, which may take into account forward-looking factors such as fuel price and weather forecasts, and that complies with requirements in 19.4(11)*"e"*(4). The computation method used by the utility shall be described in the utility's tariff and shall be subject to board approval. The utility shall give notice to customers when it changes the type of computation method in the level payment plan.

The amount to be paid at each billing interval by a customer on a level payment plan shall be computed at the time of entry into the plan and shall be recomputed at least annually. The level payment amount may be recomputed monthly, quarterly, when requested by the customer, or whenever price, consumption, or a combination of factors results in a new estimate differing by 10 percent or more from that in use.

When the level payment amount is recomputed, the level payment plan account balance shall be divided by 12, and the resulting amount shall be added to the estimated monthly level payment amount. Except when a utility has a level payment plan that recomputes the level payment amount monthly, the customer shall be given the option of applying any credit to payments of subsequent months' level payment amounts due or of obtaining a refund of any credit in excess of $25.

Except when a utility has a level payment plan that recomputes the level payment amount monthly, the customer shall be notified of the recomputed payment amount not less than one full billing cycle prior to the date of delinquency for the recomputed payment. The notice may accompany the bill prior to the bill that is affected by the recomputed payment amount.

(5) Irrespective of the account balance, a delinquency in payment shall be subject to the same collection and disconnection procedures as other accounts, with the late payment charge applied to the level payment amount. If the account balance is a credit, the level payment plan may be terminated by the utility after 30 days of delinquency.

19.4(12) *Customer records.* The utility shall retain customer billing records for the length of time necessary to permit the utility to comply with 19.4(13) but not less than three years.

19.4(13) *Adjustment of bills.* Bills which are incorrect due to billing errors or faulty metering installation are to be adjusted as follows:

a. Fast metering. Whenever a metering installation is tested and found to have overregistered more than 2 percent, the utility shall recalculate the bills for service.

(1) The bills for service shall be recalculated from the time at which the error first developed or occurred if that time can be definitely determined.

(2) If the time at which the error first developed or occurred cannot be definitely determined, it shall be assumed that the overregistration has existed for the shortest time period calculated as one-half the time since the meter was installed or one-half the time elapsed since the last meter test unless otherwise ordered by the board.

(3) If the recalculated bills indicate that $5 or more is due an existing customer or $10 or more is due a person no longer a customer of the utility, the tariff shall provide for refunding of the full amount of the calculated difference between the amount paid and the recalculated amount. Refunds shall be made to the two most recent customers who received service through the metering installation during the time the error existed. In the case of a previous customer who is no longer a customer of the utility, a notice of the amount subject to refund shall be mailed to such previous customer at the last-known address, and the utility shall, upon demand made within three months thereafter, refund the same.

Refunds shall be completed within six months following the date of the metering installation test.

b. Slow metering. Whenever a meter is found to be more than 2 percent slow, the tariff may provide for back billing the customer for the amount the test indicates has been undercharged for the period of inaccuracy.

When the average error cannot be determined by test because of failure of part or all of the metering equipment, the tariff may provide for use of the registration of check metering installation, if any, or for estimating the quantity consumed based on available data. The customer must be advised of the failure and of the basis for the estimate of quantity billed.

(1) The utility may not back bill due to underregistration unless a minimum back bill amount is specified in its tariff. The minimum amount specified for back billing shall not be less than, but may be greater than, $5 for an existing customer or $10 for a former customer. All recalculations resulting in an amount due equal or greater than the tariff specified minimum shall result in issuance of a back bill.

(2) The period for back billing shall not exceed the last six months the meter was in service unless otherwise ordered by the board.

(3) Back billings shall be rendered no later than six months following the date of the metering installation test.

c. Billing adjustments due to fast or slow meters shall be calculated on the basis that the meter should be 100 percent accurate. For the purpose of billing adjustment the meter error shall be one-half of the algebraic sum of the error at full-rated flow plus the error at check flow.

d. When a customer has been overcharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, or other similar reasons, the amount of the overcharge shall be adjusted, refunded, or credited to the customer. The time period for which the utility is required to adjust, refund, or credit the customer's bill shall not exceed five years unless otherwise ordered by the board.

e. Undercharges. When a customer has been undercharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, or other similar reasons, the amount of the undercharge may be billed to the customer. The period for which the utility may adjust for the undercharge shall not exceed five years unless otherwise ordered by the board. The maximum back bill shall not exceed the dollar amount equivalent to the tariffed rate for like charges (e.g., usage-based, fixed or service charges) in the 12 months preceding discovery of the error unless otherwise ordered by the board.

19.4(14) *Credits and explanations.* Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be separately identified.

19.4(15) *Refusal or disconnection of service.* A utility shall refuse service or disconnect service to a customer, as defined in subrule 19.1(3), in accordance with tariffs that are consistent with these rules.

a. The utility shall give written notice of pending disconnection except as specified in paragraph 19.4(15)*"b."* The notice shall set forth the reason for the notice and final date by which the account is to be settled or specific action taken. The notice shall be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The date for disconnection of service shall be not less than 12 days after the notice is rendered. The date for disconnection of service for customers on shorter billing intervals under subrule 19.3(7) shall not be less than 24 hours after the notice is posted at the service premises.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for disconnection of service. In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes shall be concurrent.

b. Service may be disconnected without notice:

(1) In the event of a condition determined by the utility to be hazardous.

(2) In the event of customer use of equipment in a manner which adversely affects the utility's equipment or the utility's service to others.

(3) In the event of tampering with the equipment furnished and owned by the utility. For the purposes of this subrule, a broken or absent meter seal alone shall not constitute tampering.

(4) In the event of unauthorized use.

c. Service may be disconnected or refused after proper notice:

(1) For violation of or noncompliance with the utility's rules on file with the board.

(2) For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way which are specified to be furnished, in the utility's rules filed with the board, as conditions of obtaining service, or for the withdrawal of that same equipment, or for the termination of those same permissions or rights, or for the failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the board.

(3) For failure of the customer to permit the utility reasonable access to the utility's equipment.

d. Service may be refused or disconnected after proper notice for nonpayment of a bill or deposit, except as restricted by subrules 19.4(16) and 19.4(17), provided that the utility has complied with the following provisions when applicable:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal;

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities available. Customers billed more frequently than monthly pursuant to subrule 19.3(7) shall be given posted written notice that they have 24 hours to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each

utility representative must provide the representative's name and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) The summary of the rights and responsibilities must be approved by the board. Any utility providing gas service and defined as a public utility in Iowa Code section 476.1 which does not use the standard form set forth below for customers billed monthly shall submit to the board an original and six copies of its proposed form for approval. A utility billing a combination customer for both gas and electric service may modify the standard form to replace each use of the word "gas" with the words "gas and electric" in all instances.

CUSTOMER RIGHTS AND RESPONSIBILITIES TO AVOID SHUTOFF OF GAS SERVICE FOR NONPAYMENT

1. What can I do if I receive a notice from the utility that says my gas service will be shut off because I have a past due bill?

a. Pay the bill in full; or

b. Enter into a reasonable payment plan with the utility (see #2 below); or

c. Apply for and become eligible for low-income energy assistance (see #3 below); or

d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas service would pose an especial health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

2. How do I go about making a reasonable payment plan? (Residential customers only)

a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, you may qualify for a second payment agreement under certain conditions.

c. If you do not make the payments you promise, the utility may shut off your utility service on one day's notice unless all the money you owe the utility is paid or you enter into another payment agreement.

3. How do I apply for low-income energy assistance? (Residential customers only)

a. Contact the local community action agency in your area (see attached list); or

b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515)281-0859. To prevent disconnection, you must contact the utility prior to disconnection of your service.

c. To avoid disconnection, you must apply for energy assistance before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

d. Being certified eligible for energy assistance will prevent your service from being disconnected from November 1 through April 1.

4. What if someone living at the residence has a serious health condition? (Residential customers only)

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notifies the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if payment arrangements have not been made.

5. What should I do if I believe my bill is not correct?

You may dispute your utility bill. You must tell the utility that you dispute the bill. You must pay the part of the bill you think is correct. If you do this, the utility will not shut off your service for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the

bill you think is incorrect. You may ask the Iowa Utilities Board for assistance in resolving the dispute. (See #9 below.)

6. When can the utility shut off my utility service because I have not paid my bill?

a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.

b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2 above).

d. The utility will not shut off your service if the temperature is forecasted to be 20 degrees Fahrenheit or colder during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the utility cannot shut off your service from November 1 through April 1. However, you will still owe the utility for the service used during this time.

f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

7. How will I be told the utility is going to shut off my gas service?

a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, your service may be disconnected with only one day's notice.

c. The utility must also try to reach you by telephone or in person before it shuts off your service. From November 1 through April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of your residence to tell you that your utility service will be shut off.

8. If service is shut off, when will it be turned back on?

a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2 above).

b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.

c. The utility may charge you a fee to turn your service back on. Those fees may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

9. Is there any other help available besides my utility?

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll-free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at iubcustomer@iub.state.ia.us. Low-income customers may also be eligible for free legal assistance from Iowa Legal Aid, and may contact Legal Aid at 1-800-532-1275.

(4) When disconnecting service to a residence, made a diligent attempt to contact, by telephone or in person, the customer responsible for payment for service to the residence to inform the customer of the pending disconnection and the customer's rights and responsibilities. During the period from November 1 through April 1, if the attempt at customer contact fails, the premises shall be posted at least one day prior to disconnection with a notice informing the customer of the pending disconnection and rights and responsibilities available to avoid disconnection.

If an attempt at personal or telephone contact of a customer occupying a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord shall also be informed of the date when service may be disconnected.

If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted,

at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons for the disconnection.

(5) Disputed bill. If the customer has received notice of disconnection and has a dispute concerning a bill for natural gas service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid disconnection of service. A utility shall delay disconnection for nonpayment of the disputed bill for up to 45 days after the rendering of the bill if the customer pays the undisputed amount. The 45 days shall be extended by up to 60 days if requested of the utility by the board in the event the customer files a written complaint with the board in compliance with 199—Chapter 6.

(6) Reconnection. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day.

(7) Severe cold weather. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will be 20 degrees Fahrenheit or colder. In any case where the utility has posted a disconnect notice in compliance with subparagraph 19.4(15)*"d"*(4) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises above 20 degrees Fahrenheit and is forecasted to be above 20 degrees Fahrenheit for at least 24 hours, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of paragraph 19.4(15)*"d."*

(8) Health of a resident. Disconnection of a residential customer shall be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage the person's own resources, to carry out activities of daily living or to be protected from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation.

The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered; a statement that the person is a resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the health danger; and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

Verification shall postpone disconnection for 30 days. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If the customer does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection pursuant to paragraph 19.4(15)*"f."*

(9) Winter energy assistance (November 1 through April 1). If the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date the utility is notified to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program.

e. Abnormal gas consumption. A customer who is subject to disconnection for nonpayment of bill, and who has gas consumption which appears to the customer to be abnormally high, may request the utility to provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. The utility shall provide assistance by discussing patterns of gas usage which may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance which may be available to the customer.

f. A utility may disconnect gas service without the written 12-day notice for failure of the customer to comply with the terms of a payment agreement, except as provided in numbered paragraph 19.4(10)*"c"*(1)"4," provided the utility complies with the provisions of paragraph 19.4(15)*"d."*

g. The utility shall, prior to November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. A utility serving fewer than 6,000 customers may publish the notice in an advertisement in a local newspaper of general circulation or shopper's guide.

19.4(16) *Insufficient reasons for denying service.* The following shall not constitute sufficient cause for refusal of service to a customer:

a. Delinquency in payment for service by a previous occupant of the premises to be served.

b. Failure to pay for merchandise purchased from the utility.

c. Failure to pay for a different type or class of public utility service.

d. Failure to pay the bill of another customer as guarantor thereof.

e. Failure to pay the back bill rendered in accordance with paragraph 19.4(13)*"b"* (slow meters).

f. Failure to pay adjusted bills based on the undercharges set forth in paragraph 19.4(13*)"e."*

g. Failure of a residential customer to pay a deposit during the period November 1 through April 1 for the location at which the customer has been receiving service.

h. Delinquency in payment for service by an occupant, if the customer applying for service is creditworthy and able to satisfy any deposit requirements.

19.4(17) *When disconnection prohibited.* No disconnection may take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

19.4(18) *Change in character of service.* The following shall apply to a material change in the character of gas service:

a. *Changes under the control of the utility.* The utility shall make such changes only with the approval of the board, and after adequate notice to the customers (see 19.7(6)*"a"*).

b. *Changes not under control of the utility or customer.* The utility shall adjust appliances to attain the proper combustion of the gas supplied. Due consideration shall be given to the gas heating value and specific gravity (see 19.7(6)*"b"*).

c. *Appliance adjustment charge.* The utility shall make any necessary adjustments to the customer's appliances without charge and shall conduct the adjustment program with a minimum of inconvenience to the customers.

19.4(19) *Customer complaints.* Each utility shall investigate promptly and thoroughly and keep a record of written complaints and all other reasonable complaints received by it from its customers in regard to safety, service, or rates, and the operation of its system as will enable it to review and analyze its procedures and actions. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof. All complaints caused by a major outage or interruption shall be summarized in a single report.

a. Each utility shall provide in its filed tariff a concise, fully informative procedure for the resolution of customer complaints.

b. The utility shall take reasonable steps to ensure that customers unable to travel shall not be denied the right to be heard.

c. The final step in a complaint hearing and review procedure shall be a filing for board resolution of the issues.

This rule is intended to implement Iowa Code sections 476.2, 476.6, 476.8, 476.20 and 476.54.

199—19.5(476) Engineering practice.

19.5(1) *Requirement for good engineering practice.* The gas plant of the utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice in the gas industry to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

19.5(2) *Standards incorporated by reference.*

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through June 27, 2007.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through June 27, 2007.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through June 27, 2007.

(4) 49 CFR Part 199, "Drug and Alcohol Testing," as amended through June 27, 2007.

(5) ASME B31.8 - 2003, "Gas Transmission and Distribution Piping Systems."

(6) NFPA No. 59-2004, "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants."

(7) At railroad crossings, 199 IAC 42.7(476), "Engineering standards for pipelines."

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-2006, "National Fuel Gas Code."

(2) NFPA 501A-2005, "Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

19.5(3) *Adequacy of gas supply.* The natural gas regularly available from supply sources supplemented by production or storage capacity must be sufficiently large to meet all reasonable demands for firm gas service.

19.5(4) *Gas transmission and distribution facilities.* The utility's gas transmission and distribution facilities shall be designed, constructed and maintained as required to reliably perform the gas delivery burden placed upon them. Each utility shall be capable of emergency repair work on a scale consistent with its scope of operation and with the physical conditions of its transmission and distribution facilities.

In appraising the reliability of the utility's transmission and distribution system, the board will consider, as principal factors, the condition of the physical property and the size, training, supervision, availability, equipment and mobility of the maintenance forces.

19.5(5) *Inspection of gas plant.* Each utility shall adopt a program of inspection of its gas plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the utility's experience and accepted good practice. Each utility shall keep sufficient records to give evidence of compliance with its inspection program.

199—19.6(476) Metering.

19.6(1) *Inspection and testing program.* Each utility shall adopt a written program for the inspection and testing of its meters to determine the necessity for adjustment, replacement or repair. The frequency of inspection and methods of testing shall be based on the utility's experience, manufacturer's recommendations, and accepted good practice. The board considers the publications listed in 19.6(3) to be representative of accepted good practice. Each utility shall maintain inspection and testing records for each meter and associated device until three years after its retirement.

19.6(2) *Program content.* The written program shall, at minimum, address the following subject areas:

a. Classification of meters by capacity, type, and any other factor considered pertinent.

b. Checking of new meters for acceptable accuracy before being placed in service.

c. Testing of in-service meters, including any associated instruments or corrective devices, for accuracy, adjustments or repairs. This may be accomplished by periodic tests at specified intervals or on the basis of a statistical sampling plan, but shall include meters removed from service for any reason.

d. Periodic calibration or testing of devices or instruments used by the utility to test meters.

e. Leak testing of meters before return to service.

f. The limits of meter accuracy considered acceptable by the utility.

g. The nature of meter and meter test records maintained by the utility.

19.6(3) *Accepted good practice.* The following publications are considered to be representative of accepted good practice in matters of metering and meter testing:

a. American National Standard for Gas Displacement Meters (500 Cubic Feet Per Hour Capacity and Under), ANSI B109.1-2000.

b. American National Standard for Diaphragm Type Gas Displacement Meters (Over 500 Cubic Feet Per Hour Capacity), ANSI B109.2-2000.

c. American National Standard for Rotary Type Gas Displacement Meters, ANSI B109.3-2000.

d. Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1986 (R1997).

e. Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, API MPMS Chapter 14.3, Parts 1-4.

19.6(4) *Meter adjustment.* All meters and associated metering devices shall, when tested, be adjusted as closely as practicable to the condition of zero error.

19.6(5) *Request tests.* Upon request by a customer, a utility shall test the meter servicing that customer. A test need not be made more frequently than once in 18 months.

A written report of the test results shall be mailed to the customer within ten days of the completed test and a record of each test shall be kept on file at the utility's office. The utility shall give the customer or a representative of the customer the opportunity to be present while the test is conducted.

If the test finds the meter is accurate within the limits accepted by the utility in its meter inspection and testing program, the utility may charge the customer $25 or the cost of conducting the test, whichever is less. The customer shall be advised of any potential charge before the meter is removed for testing.

19.6(6) *Referee tests.* Upon written request by a customer or utility, the board will conduct a referee test of a meter. A test need not be made more frequently than once in 18 months. The customer request shall be accompanied by a $30 deposit in the form of a check or money order made payable to the utility.

Within 5 days of receipt of the written request and payment, the board shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time and place of the test with the board and customer. The meter shall not be removed or adjusted before the test. The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments shall be made as required in 19.4(13). The board shall issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

19.6(7) *Condition of meter.* No meter that is known to be mechanically defective, has an incorrect correction factor, or has not been tested and adjusted, if necessary, in accordance with 19.6(2)*"b," "c,"* and *"e,"* shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the gas requirements of the customer.

199—19.7(476) Standards of quality of service.

19.7(1) *Purity requirements.* All gas supplied to customers shall be substantially free of impurities which may cause corrosion of mains or piping or from corrosive or harmful fumes when burned in a properly designed and adjusted burner.

19.7(2) *Pressure limits.* The maximum allowable operating pressure for a low-pressure distribution system shall not be so high as to cause the unsafe operation of any connected and properly adjusted low-pressure gas-burning equipment.

19.7(3) *Adequacy for pressure.* Each utility shall have a substantially accurate knowledge of the pressures inside its piping. Periodic pressure measurements shall be taken during periods of high demand at remote locations in distribution systems to determine the adequacy of service. Records of such measurements including the date, time, and location of the measurement shall be maintained not less than two years.

19.7(4) *Standards for pressure measurements.*

a. *Secondary standards.* Each utility shall own or have access to a dead weight tester. This instrument must be maintained in an accurate condition.

b. *Working standards.* Each utility must have or have access to water manometers, laboratory quality indicating pressure gauges, and field-type dead weight pressure gauges as necessary for the proper testing of the indicating and recording pressure gauges used in determining the pressure on the utility's system. Working standards must be checked periodically by comparison with a secondary standard.

19.7(5) *Handling of standards.* Extreme care must be exercised in the handling of standards to ensure that their accuracy is not disturbed. Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

19.7(6) *Heating value.*

a. *Awareness.* Each utility shall have a substantially accurate knowledge of the heating value of the gas being delivered to customers at all times.

b. *Natural and LP-gas.* The heating value of natural gas and undiluted, commercially pure LP-gas shall be considered as being not under the control of the utility. The utility shall determine the allowable range of monthly average heating values within which its customers' appliances may be expected to function properly without repeated readjustment of the burners. If the monthly average heating value is above or below the limits of the allowable range for three successive months, the customers' appliances must be readjusted in accordance with 19.4(18)*"c."*

c. *Peak shaving or other mixed gas.* The heating value of gas in a distribution system which includes gas from LP or LNG peak shaving facilities, or gas from a source other than a pipeline supplier, shall be considered within the control of the utility. The average daily heating value of mixed gas shall be at least 95 percent of that normally delivered by the pipeline supplier. All mixed gas shall have a specific gravity of less than 1.000, and heating value shall not be so high as to cause improper operation of properly adjusted customer equipment.

d. *Heating value determination and records.* Unless acceptable heating value information is available for all periods from other sources, including the pipeline supplier, the utility shall provide and maintain equipment, or shall have a method of computation, by which the heating value of the gas in a distribution system can be accurately determined. The type, accuracy, operation and location of equipment, and the accuracy of computation methods, shall be in accordance with accepted industry practices and equipment manufacturer's recommendations and shall be subject to review by the board.

19.7(7) *Interruptions of service.*

a. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety. Each utility shall maintain records for not less than two years of interruptions of service as required to be reported in 19.17(1) and shall periodically review these records to determine steps to be taken to prevent recurrence.

b. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers. Interruptions shall be preceded by adequate notice to those who will be affected.

199—19.8(476) Safety.

19.8(1) *Acceptable standards.* As criteria of accepted good safety practice the board will use the applicable provisions of the standard listed in 19.5(2).

19.8(2) *Protective measures.* Each utility shall exercise reasonable care to reduce hazards inherent in connection with utility service to which its employees, its customers, and the general public may be subjected and shall adopt and execute a safety program designed to protect the public, fitted to the size

and type of its operations. The utility shall give reasonable assistance to the board in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents. Each utility shall maintain a summary of all reportable accidents arising from its operations.

19.8(3) *Turning on gas.* Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through the meter which is a warning that the customer's piping or appliances are not safe for gas turn on (Ref: Sec. 4.2 and Appendix D, ANSI Z223.1/NFPA 54-2006).

19.8(4) *Gas leaks.* A report of a gas leak shall be considered as an emergency requiring immediate attention.

19.8(5) *Odorization.* Any gas distributed to customers through gas mains or gas services or used for domestic purposes in compressor plants, which does not naturally possess a distinctive odor to the extent that its presence in the atmosphere is readily detectable at all gas concentrations of one-fifth of the lower explosive limit and above, shall have an odorant added to it to make it so detectable. Odorization is not necessary, however, for such gas as is delivered for further processing or use where the odorant would serve no useful purpose as a warning agent. Suitable tests must be made to determine whether the odor meets the standards of subrule 19.5(2). Prompt remedial action shall be taken if odorization levels do not meet the prescribed limits for detectability.

19.8(6) *Burial near electric lines.* Each pipeline shall be installed with at least 12 inches of clearance from buried electrical conductors. If this clearance cannot be maintained, protection from damage or introduction of current from an electrical fault shall be provided by other means.

199—19.9(476) Energy conservation strategies. Rescinded IAB 11/12/03, effective 12/7/03.

199—19.10(476) Purchased gas adjustment (PGA).

19.10(1) *Purchased gas adjustment clause.* Purchased gas adjustments shall be computed separately for each customer classification or grouping previously approved by the board. Purchased gas adjustments shall use the same unit of measure as the utility's tariffed rates. Purchased gas adjustments shall be calculated using factors filed in annual or periodic filings according to the following formula:

$$PGA = \frac{(C \times Rc) + (D \times Rd) + (Z \times Rz)}{S} + Rb + E$$

PGA is the purchased gas adjustment per unit.

S is the anticipated yearly gas commodity sales volume for each customer classification or grouping.

C is the volume of applicable commodity purchased or transported for each customer classification or grouping required to meet sales, S, plus the expected lost and unaccounted for volumes.

Rc is the weighted average of applicable commodity prices or rates, including appropriate hedging tools costs, to be in effect September 1 corresponding to purchases C.

D is the total volume of applicable entitlement reservation purchases required to meet sales, S, for each customer classification or grouping.

Rd is the weighted average of applicable entitlement reservation charges to be in effect September 1 corresponding to purchases D.

Z is the total quantity of applicable storage service purchases required to meet sales, S, for each customer classification or grouping.

Rz is the weighted average of applicable storage service rates to be in effect September 1 corresponding to purchases Z.

Rb is the adjusted amount necessary to obtain the anticipated balance for the remaining PGA year calculated by taking the anticipated PGA balance divided by the forecasted volumes, including storage, for one or more months of the remaining PGA year.

E is the per unit overcollection or undercollection adjustment as calculated under subrule 19.10(7).

The components of the formula shall be determined as follows for each customer classification or grouping:

a. The actual sales volumes S for the prior 12-month period ending May 31, with the necessary degree-day adjustments, and further adjustments approved by the board.

Unless a utility receives prior board approval to use another methodology, a utility shall use the same weather normalization methodology used in prior approved PGA and rate case.

b. The annual expected lost and unaccounted for factors shall be calculated by determining the actual difference between sales and purchase volumes for the 12 months ending May 31 or from the current annual IG-1 filing, but in no case will this factor be less than 0.

c. The purchases C, D, and Z which will be necessary to meet requirements as determined in 19.10(1).

d. The purchased gas adjustments shall be adjusted prospectively to reflect the final decision issued by the board in a periodic review proceeding.

19.10(2) *Annual purchased gas adjustment filing.* Each rate-regulated utility shall file on or before August 1 of each year, for the board's approval, a purchased gas adjustment for the 12-month period beginning September 1 of that year.

The annual filing shall restate each factor of the formula stated in subrule 19.10(1).

The annual filing shall be based on customer classifications and groupings previously approved by the board unless new classifications or groupings are proposed.

The annual filing shall include all worksheets and detailed supporting data used to determine the purchased gas adjustment volumes and factors. The utility shall provide an explanation of the calculations of each factor. Information already on file with the board may be incorporated by reference in the filing.

19.10(3) *Periodic changes to purchased gas adjustment clause.* Periodic purchased gas adjustment filings shall be based on the purchased gas adjustment customer classifications and groupings previously approved by the board. Changes in the customer classification and grouping on file are not automatic and require prior approval by the board.

Periodic filings shall include all worksheets and detailed supporting data used to determine the amount of the adjustment.

Changes in factors S or C may not be made in periodic purchased gas filings. A change in factor D or Z may be made in periodic filings and will be deemed approved if it conforms to the annual purchased gas filing or if it conforms to the principles set out in 19.10(6).

The utility shall implement automatically all purchased gas adjustment changes which result from changes in Rc, Rd, or Rz with concurrent board notification with adequate information to calculate and support the change. The purchased gas adjustment shall be calculated separately for each customer classification or grouping.

Unless otherwise ordered by the board, a rate-regulated utility's purchased gas adjustment rate factors shall be adjusted as purchased gas costs change and shall recover from the customers only the actual costs of purchased gas and other currently incurred charges associated with the delivery, inventory, or reservation of natural gas. Such periodic changes shall become effective with usage on or after the date of change.

19.10(4) *Factor Rb.* Each utility has the option of filing an Rb calculation with its October-January PGA filings but shall file an Rb calculation with its February filing and subsequent monthly filings in the PGA year. If the anticipated PGA balance represents costs in excess of revenues, factor Rb shall be assigned a positive value; if the anticipated balance represents revenues in excess of costs, factor Rb shall be assigned a negative value.

19.10(5) *Take-or-pay adjustment.* Rescinded IAB 11/12/03, effective 12/17/03.

19.10(6) *Allocations of changes in contract pipeline transportation capacity obligations.* Any change in contractual pipeline transportation capacity obligations to transportation or storage service providers serving Iowa must be reported to the board within 30 days of receipt. The change must be applied on a pro-rata basis to all customer classifications or groupings, unless another method has been approved by the board. Where a change has been granted as a result of the utility's request based on the needs of specified customers, that change may be allocated to the specified customers. Where the board has approved anticipated sales levels for one or more customer classifications or groupings, those levels may limit the pro-rata reduction for those classifications or groupings.

19.10(7) *Reconciliation of underbillings and overbillings.* The utility shall file with the board on or before October 1 of each year a purchased gas adjustment reconciliation for the 12-month period which began on September 1 of the previous year. This reconciliation shall be the actual net invoiced costs of purchased gas and appropriate financial hedging tools costs less the actual revenue billed through its purchased gas adjustment clause net of the prior year's reconciliation dollars for each customer classification or grouping. Actual net costs for purchased gas shall be the applicable invoice costs from all appropriate sources associated with the time period of usage.

Negative differences in the reconciliation shall be considered overbilling by the utility and positive differences shall be considered underbilling. This reconciliation shall be filed with all worksheets and detailed supporting data for each particular purchased gas adjustment clause. Penalty purchases shall only be includable where the utility clearly demonstrates a net savings.

a. The annual reconciliation filing shall include the following information concerning the hedging tools used by the utility:

(1) The type and volume of physical gas being hedged.

(2) The reason the hedge was undertaken (e.g., to hedge storage gas, a floating price contract).

(3) A detailed explanation of the hedging strategy (e.g., costless collar, straddled costless collar, purchasing or selling options).

(4) The date the futures contract or option was purchased or the date the swap was entered into.

(5) The spot price of gas at the time the hedge was made, including an explanation of how the spot price was determined including the index or indices used.

(6) The amount of all commissions paid and to whom those payments were made.

(7) All administrative costs associated with the hedge.

(8) The name(s) of all marketers used and the amount of money paid to each marketer.

(9) The amount of savings or costs resulting from the hedge.

(10) The amount of money tied up in margin accounts for futures trading and the cost of that money.

(11) The premium paid for each option.

(12) The strike price of each option.

(13) The contracting costs for each swap transaction.

(14) The name of the fixed-price payer in a swap transaction.

(15) A statement as to how the hedge is consistent with the LDC's natural gas procurement plan.

(16) An explanation as to why the LDC believes the hedge was in the best interest of general system customers.

(17) All invoices, work papers, and internal reports associated with the hedge.

b. Any underbilling determined from the reconciliation shall be collected through ten-month adjustments to the appropriate purchased gas adjustment. The underbilling generated from each purchased gas adjustment clause shall be divided by the anticipated sales volumes for the prospective ten-month period beginning November 1 (based upon the sales determination in subrule 19.10(1)).

The quotient, determined on the same basis as the utility's tariff rates, shall be added to the purchased gas adjustment for the prospective ten-month period beginning November 1.

c. Any overbilling determined from the reconciliation shall be refunded to the customer classification or grouping from which it was generated. The overbilling shall be divided by the annual cost of purchased gas subject to recovery for the 12-month period which began the prior September 1 for each purchased gas adjustment clause and applied as follows:

(1) If the net overbilling from the purchased gas adjustment reconciliation exceeds 3 percent of the annual cost of purchased gas subject to recovery for a specific customer classification or grouping, the utility shall refund the overbilling by bill credit or check starting on the first day of billing in the November billing cycle of the current year. The minimum amount to be refunded by check shall be $10. Interest shall be calculated on amounts exceeding 3 percent from the PGA year midpoint to the date of refunding. The interest rate shall be the dealer commercial paper rate (90-day, high-grade unsecured notes) quoted in the "Money Rates" section of the Wall Street Journal on the last working day of August of the current year.

(2) If the net overbilling from the purchased gas adjustment reconciliation does not exceed 3 percent of the annual cost of purchased gas subject to recovery for a specific customer classification or grouping, the utility may refund the overbilling by bill credit or check starting on the first day of billing in the November billing cycle of the current year, or the utility may refund the overbilling through ten-month adjustments to the particular purchased gas adjustment from which they were generated. The minimum amount to be refunded by check shall be $10. This adjustment shall be determined by dividing the overcollection by the anticipated sales volume for the prospective ten-month period beginning November 1 as determined in subrule 19.10(1) for the applicable purchased gas adjustment clause. The quotient, determined on the same basis as the utility's tariff rates, shall be a reduction to that particular purchased gas adjustment for the prospective ten-month period beginning November 1.

d. When a customer has reduced or terminated system supply service and is receiving transportation service, any liability for overcollections and undercollections shall be determined in accordance with the utility's gas transportation tariff.

19.10(8) *Refunds related to gas costs charged through the PGA.* The utility shall file a refund plan with the board within 30 days of the receipt of any refund related to gas costs charged through the PGA.

a. The utility shall refund to customers by bill credit or check an amount equal to any refund, plus accrued interest, if the refund exceeds $10 per average residential customer under the applicable customer classification or grouping. The utility may refund lesser amounts through the applicable customer classification or grouping or retain undistributed refund amounts in special refund retention accounts for each customer classification or grouping under the applicable PGA clause until such time as additional refund obligations or interest cause the average residential customer refund to exceed $10. Any obligations remaining in the retention accounts on September 1 shall become a part of the annual PGA reconciliation.

b. The utility shall file with the refund plan the following information:

(1) A statement of reason for the refund.

(2) The amount of the refund with support for the amount.

(3) The balance of the appropriate refund retention accounts.

(4) The amount due under each customer classification or grouping.

(5) The intended period of the refund distribution.

(6) The estimated interest accrued for each refund through the proposed refund period, with complete interest calculations and supporting data as determined in paragraph 19.10(8)*"d."*

(7) The total amount to be refunded, the amount to be refunded per customer classification or grouping, and the refund per ccf or therm.

(8) The estimated interest accrued for each refund received and for each amount in the refund retention accounts through the date of the filing with the complete interest calculation and support as determined in paragraph 19.10(8)*"d."*

(9) The total amount to be retained, the amount to be retained per customer classification or grouping, and the level per ccf or therm.

(10) The calculations demonstrating that the retained balance is less than $10 per average residential customer with supporting schedules for all factors used.

c. The refund to each customer shall be determined by dividing the amount in the appropriate refund retention account, including interest, by the total ccf or therm of system gas consumed by affected customers during the period for which the refundable amounts are applicable and multiplying the quotient by the ccf or therms of system supply gas actually consumed by the customer during the appropriate period. The utility may use the last available 12-month period if the use of the actual period generating the refund is impractical. The utility shall file complete support documentation for all figures used.

d. The interest rate on refunds distributed under this subrule, compounded annually, shall be the dealer commercial paper rate (90-day, high-grade unsecured notes) quoted in the "Money Rates" section of the Wall Street Journal on the day the refund obligation vests. Interest shall accrue from the date the rate-regulated utility receives the refund or billing from the supplier or the midpoint of the first month of overcollection to the date the refund is distributed to customers.

e. The rate-regulated utility shall make a reasonable effort to forward refunds, by check, to eligible recipients who are no longer customers.

f. The minimum amount to be refunded by check shall be $5.

This rule is intended to implement Iowa Code section 476.6(11).

199—19.11(476) Periodic review of gas procurement practices [476.6(15)].

19.11(1) *Procurement plan.* The board shall periodically conduct a contested case proceeding for the purpose of evaluating the reasonableness and prudence of a rate-regulated public utility's natural gas procurement and contracting practices. The board shall provide the utilities 90 days' notice of the requirement to file a procurement plan. In the years in which the board does not conduct a contested case proceeding, the board may require the utilities to file certain information for the board's review. In years in which the board conducts a full proceeding, a rate-regulated utility shall file prepared direct testimony and exhibits in support of a detailed 12-month plan and a 3-year natural gas procurement plan. A utility's procurement plan shall be organized as follows and shall include:

a. An index of all documents and information filed in the plan and identification of the board files in which documents incorporated by reference are located.

b. All contracts and gas supply arrangements executed or in effect for obtaining gas and all supply arrangements planned for the future 12-month and 3-year periods.

c. An organizational description of the officer or division responsible for gas procurement and a summary of operating procedures and policies for procuring and evaluating gas contracts.

d. A summary of the legal and regulatory actions taken to minimize purchased gas costs.

e. All studies or investigation reports considered in gas purchase contract or arrangement decisions during the plan periods.

f. A complete list of all contracts executed since the last procurement review.

g. A list of other unbundled services available (for example, storage services if offered).

h. A description of the supply options selected and an evaluation of the reasonableness and prudence of its decisions. This evaluation should show the relationship between forecast and procurement.

19.11(2) *Gas requirement forecast.* Rescinded IAB 4/3/91, effective 3/15/91.

19.11(3) *Annual review proceeding.* Rescinded IAB 2/9/00, effective 3/15/00.

19.11(4) *Evaluation of the plan.* The burden shall be on the utility to prove it is taking all reasonable actions to minimize its purchased gas costs. The board will evaluate the reasonableness and prudence of the gas procurement plan.

19.11(5) *Disallowance of costs.* The board shall disallow any purchased gas costs in excess of costs incurred under responsible and prudent policies and practices. The PGA factor shall be adjusted prospectively to reflect the disallowance.

19.11(6) *Executive summary.* On or before August 1, 2003, each natural gas utility shall file an executive summary and index of all standard and special contracts in effect for the purchase, sale or interchange of gas. On or before August 1 each year thereafter, each natural gas utility shall file an update of the executive summary and index showing the standard and special contracts in effect on that date for the purchase, sale or interchange of gas. The executive summary shall include the following information:

a. The contract number;

b. The start and end date;

c. The parties to the contract;

d. The total estimated dollar value of the contract;

e. A description of the type of service offered (including volumes and price).

This rule is intended to implement Iowa Code section 476.6(15).

199—19.12(476) Flexible rates.

19.12(1) *Purpose.* This subrule is intended to allow gas utility companies to offer, at their option, incentive or discount rates to their sales and transportation customers.

19.12(2) *General criteria.*

a. Natural gas utility companies may offer discounts to individual customers, to selected groups of customers, or to an entire class of customer. However, discounted rates must be offered to all directly competing customers in the same service territory. Customers are direct competitors if they make the same end product (or offer the same service) for the same general group of customers. Customers that only produce component parts of the same end product are not directly competing customers.

b. In deciding whether to offer a specific discount, the utility shall evaluate the individual customer's, group's, or class's situation and perform a cost-benefit analysis before offering the discount.

c. Any discount offered should be such as to significantly affect the customer's or customers' decision to stay on the system or to increase consumption.

d. The consequences of offering the discount should be beneficial to all customers and to the utility. Other customers should not be at risk of loss as a result of these discounts; in addition, the offering of discounts shall in no way lead to subsidization of the discounted rates by other customers in the same or different classes.

19.12(3) *Tariff requirements.* If a company elects to offer flexible rates, the utility shall file for review and approval tariff sheets specifying the general conditions for offering discounted rates. The tariff sheets shall include, at a minimum, the following criteria:

a. The cost-benefit analysis must demonstrate that offering the discount will be more beneficial than not offering the discount.

b. The ceiling for all discounted rates shall be the approved rate on file for the customer's rate class.

c. The floor for the discount sales rates shall be equal to the cost of gas. Therefore, the maximum discount allowed under the sales or transportation tariffs is equal to the nongas costs of serving the customer.

d. No discount shall be offered for a period longer than five years, unless the board determines upon good cause shown that a longer period is warranted.

e. Discounts should not be offered if they will encourage deterioration in the load characteristics of the customer receiving the discount.

f. Customer charges may be discounted.

19.12(4) *Reporting requirements.* Each natural gas utility electing to offer flexible rates shall file annual reports with the board within 30 days of the end of each 12 months. Reports shall include the following information:

a. Section 1 of the report concerns discounts initiated in the last 12 months. For all discounts initiated in the last 12 months, the report shall include:

(1) The identity of the new customers (by account number, if necessary);

(2) The value of the discount offered;

(3) The cost-benefit analysis results;

(4) The cost of alternate fuels available to the customer, if relevant;

(5) The volume of gas sold to or transported for the customer in the preceding 12 months; and

(6) A copy of all new or revised flexible rate contracts executed between the utility and its customers.

b. Section 2 of the report relates to overall program evaluation. For all discounts currently being offered, the report shall include:

(1) The identity of each customer (by account number, if necessary);

(2) The total volume of gas sold or transported in the last 12 months to each customer at discounted rates, by month;

(3) The volume of gas sold or transported to each customer in the same 12 months of the preceding year, by month;

(4) The dollar value of the discount in the last 12 months to each customer, by month;

(5) The dollar value of volumes sold or transported to each customer for each of the previous 12 months; and

(6) If customer charges are discounted, the dollar value of the discount shall be separately reported.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The volume of gas sold or transported in the last 12 months to each customer, by month;

(3) The volume of gas sold or transported to each customer in the same 12 months of the preceding year, by month; and

(4) The dollar value of volumes sold or transported to each customer for each of the past 12 months.

d. No report is required if the utility had no customers receiving a discount during the relevant period and had no customers which were evaluated for the discount and rejected during the relevant period.

19.12(5) *Rate case treatment.* In a rate case, 50 percent of any identifiable increase in net revenues will be used to reduce rates for all customers; the remaining 50 percent of the identifiable increase in net revenues may be kept by the utility. If there is a decrease in revenues due to the discount, the utility's test year revenues will be adjusted to remove the effects of the discount by assuming that all sales or transportation services or customer charges were provided at full tariffed rate for the customer class. Determining the actual amount will be a factual determination to be made in the rate case.

199—19.13(476) Transportation service.

19.13(1) *Purpose.* This subrule requires gas distribution utility companies to transport natural gas owned by an end-user on a nondiscriminatory basis, subject to the capacity limitations of the specific system. System capacity is defined as the maximum flow of gas the relevant portion of the system is capable of handling. Capacity availability shall be determined using the total current firm gas flow, including both system and transportation gas.

19.13(2) *End-user rights.* The end-user purchasing transportation services from the utility shall have the following rights and be subject to the following conditions:

a. The end-user shall have the right to receive, pursuant to agreement, 100 percent of the gas delivered by it or on its behalf to the transporting utility (adjusted for a reasonable volume of lost, unaccounted-for, and company-used gas).

b. The volumes which the end-user is entitled to receive shall be subject to curtailment or interruption due to limitations in the system capacity of the transporting utility. Curtailment of the transportation volumes will take place according to the priority class, subdivision, or category which the end-user would have been assigned if it were purchasing gas from the transporting utility.

c. During periods of curtailment or interruption, the party is entitled to a credit equal to the difference between the volumes delivered to the utility and those received by the end-user, adjusted for lost, unaccounted-for, and company-used gas. The credit shall be available at any time, within the conditions of the agreement.

d. The end-user shall be responsible for all costs associated with any additional plant required for providing transportation services to the end-user.

19.13(3) *Transportation service charges.* Transportation service shall be offered to at least the following classes:

a. Interruptible service with system supply reserve.

b. Interruptible service without system supply reserve.

c. Firm service with system supply reserve.

d. Firm service without system supply reserve.

19.13(4) *Transportation service charges and rates.* All rates and charges for transportation shall be based on the cost of providing the service.

a. "System supply reserve" service shall entitle the end-user to return to the system service to the extent of the capacity purchased. The charge shall be at least equal to the administrative costs of monitoring the service, plus any other costs (including but not limited to gas demand costs which are directly assignable to the end-user).

b. End-users without system supply reserve service may only return to system service by paying an additional charge and are subject to the availability of adequate system capacity. An end-user wishing to receive transportation service without system supply reserve must pay the utility for the discounted value of any contract between the utility and the end-user remaining in effect at the time of beginning transportation service. The discounted values shall include all directly assignable and identifiable costs (including but not limited to gas costs).

c. The utility may require a reconnection charge when an end-user receiving transportation service without system supply reserve service requests to return to the system supply. The end-user shall return to the system and receive service under the appropriate classification as determined by the utility.

d. The end-user electing to receive transportation service shall pay reasonable rates for any use of the facilities, equipment, or services of the transporting utility.

e. Small volume transportation service. Rescinded IAB 4/28/04, effective 6/2/04.

f. Optional plan filing. Rescinded IAB 4/28/04, effective 6/2/04.

19.13(5) *Reporting requirements.* A natural gas utility shall file with the board two copies of each transportation contract entered into within 30 days of the date of execution. The utility may delete any information identifying the end-user and replace it with an identification number. The utility shall promptly supply the deleted information if requested by the board staff. The deleted information may be filed with a request for confidentiality, pursuant to 199 Iowa Administrative Code rule 1.9(22).

19.13(6) *Written notice of risks.* The utility must notify its large volume users as defined in 19.14(1) contracting for transportation service in writing that unless the customer buys system supply reserve service from the utility, the utility is not obligated to supply gas to the customer. The notice must also advise the large volume user of the nature of any identifiable penalties, any administrative or reconnection costs associated with purchasing available firm or interruptible gas, and how any available gas would be priced by the utility. The notice may be provided through a contract provision or separate written instrument. The large volume user must acknowledge in writing that it has been made aware of the risks and accepts the risks.

199—19.14(476) Certification of competitive natural gas providers and aggregators.

19.14(1) *Definitions.* The following words and terms, when used in these rules, shall have the meanings indicated below:

"Competitive natural gas provider" or *"CNGP"* means a person who takes title to natural gas and sells it for consumption by a retail end user in the state of Iowa, and it also means an aggregator as defined in Iowa Code section 476.86. CNGP includes an affiliate of an Iowa public utility. CNGP excludes the following:

1. A public utility which is subject to rate regulation under Iowa Code chapter 476.

2. A municipally owned utility which provides natural gas service within its incorporated area or within the municipal natural gas competitive service area, as defined in Iowa Code section 437A.3(21)*"a"*(1), in which the municipally owned utility is located.

"Competitive natural gas services" means natural gas sold at retail in this state excluding the sale of natural gas by a rate-regulated public utility or a municipally owned utility as provided in the definition of CNGP in 19.14(1).

"Large volume user" means any end user whose usage exceeds 25,000 therms in any month or 100,000 therms in any consecutive 12-month period.

"Small volume user" means any end user whose usage does not exceed 25,000 therms in any month and does not exceed 100,000 therms in any consecutive 12-month period.

19.14(2) *General requirement to obtain certificate.* A CNGP shall not provide competitive natural gas services to an Iowa retail end user without a certificate approved by the board pursuant to Iowa Code section 476.87. An exception to this requirement is a CNGP that has provided service to retail customers before April 25, 2001. A CNGP subject to this exception shall file for a certificate under the provisions of this rule on or before June 1, 2001, to continue providing service pending the approval of the certificate.

19.14(3) *Filing requirements and application process.* Applications shall be made in the format and contain all of the information required in 199—subrule 2.2(18). Applications must be filed with

the executive secretary at Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069. An original and ten copies must be filed. An application fee of $125 must be included with the application to cover the administrative costs of accepting and processing a filing. In addition, each applicant will be billed an hourly rate for actual time spent by the board reviewing the application. Iowa Code section 476.87(3) requires the board to allocate the costs and expenses reasonably attributable to certification and dispute resolution to applicants and participants to the proceeding.

An applicant shall notify the board during the pendency of the certification request of any material change in the representations and commitments required by this subrule within 14 days of such change. Any new legal actions or formal complaints as identified in 199 IAC 2.2(18), numbered paragraph "4," are considered material changes in the request. Once certified, CNGPs shall notify the board of any material change in the representations and commitments required for certification within 14 days of such change.

19.14(4) *Deficiencies and board determination.* The board shall act on a certification application within 90 days unless it determines an additional 60 days is necessary. Applications will be considered complete and the 90-day period will commence when all required items are submitted. Applicants will be notified of deficiencies and given 30 days to complete applications. Applicants will be notified when their application is complete and the 90-day period commences.

19.14(5) *Conditions of certification.* CNGPs shall comply with the conditions set out in this subrule. Failure to comply with the conditions of certification may result in revocation of the certificate.

a. Unauthorized charges. A CNGP shall not charge or attempt to collect any charges from end users for any competitive natural gas services or equipment used in providing competitive natural gas services not contracted for or otherwise agreed to by the end user.

b. Notification of emergencies. Upon receipt of information from an end user of the existence of an emergency situation with respect to delivery service, a CNGP shall immediately contact the appropriate public utility whose facilities may be involved. The CNGP shall also provide the end user with the emergency telephone number of the public utility.

c. Reports to the board. Each CNGP shall file a report with the board on April 1 of each year for the 12-month period ending December 31 of the previous year. This information may be filed with a request for confidentiality, pursuant to 199—subrule 1.9(6). For each utility distribution system, the report shall contain the following information for its Iowa operations:

(1) The average number of small volume end users served per month.

(2) The average number of large volume end users served per month.

(3) The total volume of sales to small volume end users, by month.

(4) The total volume of sales to large volume end users, by month.

(5) The revenue collected from small volume end users for competitive natural gas services, excluding any revenue collected from end users on behalf of utilities.

(6) The revenue collected from large volume end users for competitive natural gas services, excluding any revenue collected from end users on behalf of utilities.

(7) The date the applicant began providing service in Iowa.

d. Rescinded IAB 4/28/04, effective 6/2/04.

19.14(6) *Additional conditions applicable to CNGPs providing service to small volume end users.* All CNGPs when providing service to small volume natural gas end users shall be subject to the following conditions in addition to those listed under subrule 19.14(5):

a. *Customer deposits.* Compliance with the following provisions shall apply to customers whose usage does not exceed 2500 therms in any month or 10,000 therms in any consecutive 12-month period.

Customer deposits – subrule 19.4(2)

Interest on customer deposits – subrule 19.4(3)

Customer deposit records – subrule 19.4(4)

Customer's receipt for a deposit – subrule 19.4(5)

Deposit refund – subrule 19.4(6)

Unclaimed deposits – subrule 19.4(7)

b. Bills to end users. A CNGP shall include on bills to end users all the information listed in this paragraph. The bill may be sent to the customer electronically at the customer's option.

(1) The period of time for which the billing is applicable.

(2) The amount owed for current service, including an itemization of all charges.

(3) Any past-due amount owed.

(4) The last date for timely payment.

(5) The amount of penalty for any late payment.

(6) The location for or method of remitting payment.

(7) A toll-free telephone number for the end user to call for information and to make complaints regarding the CNGP.

(8) A toll-free telephone number for the end user to contact the CNGP in the event of an emergency.

(9) A toll-free telephone number for the end user to notify the public utility of an emergency regarding delivery service.

(10) The tariffed transportation charges and supplier refunds, where a combined bill is provided to the customer.

c. Disclosure. Each prospective end user must receive in writing, prior to initiation of service, all terms and conditions of service and all rights and responsibilities of the end user associated with the offered service. The information required by this paragraph may be provided electronically, at the customer's option.

d. Notice of service termination. Notice must be provided to the end user and the public utility at least 12 calendar days prior to service termination. If the notice of service termination is rescinded, the CNGP must notify the public utility. CNGPs are prohibited from physically disconnecting the end user or threatening physical disconnection for any reason.

e. Transfer of accounts. CNGPs are prohibited from transferring the account of any end user to another supplier except with the consent of the end user. This provision does not preclude a CNGP from transferring all or a portion of its accounts pursuant to a sale or transfer of all or a substantial portion of a CNGP's business in Iowa, provided that the transfer satisfies all of the following conditions:

(1) The transferee will serve the affected end users through a certified CNGP;

(2) The transferee will honor the transferor's contracts with the affected end users;

(3) The transferor provides written notice of the transfer to each affected end user prior to the transfer;

(4) Any affected end user is given 30 days to change supplier without penalty; and

(5) The transferor provides notice to the public utility of the effective date of the transfer.

f. Bond requirement. The board may require the applicant to file a bond or other demonstration of its financial capability to satisfy claims and expenses that can reasonably be anticipated to occur as part of operations under its certificate, including the failure to honor contractual commitments. The adequacy of the bond or demonstration shall be determined by the board and reviewed by the board from time to time. In determining the adequacy of the bond or demonstration, the board shall consider the extent of the services to be offered, the size of the provider, and the size of the load to be served, with the objective of ensuring that the board's financial requirements do not create unreasonable barriers to market entry.

g. Replacement cost for supply failure. Each individual rate-regulated public utility shall file for the board's review tariffs establishing replacement cost for supply failure. Replacement cost revenue will be credited to the rate-regulated public utility's system purchased gas adjustment.

199—19.15(476) Customer contribution fund.

19.15(1) *Applicability and purpose.* This rule applies to each gas public utility, as defined in Iowa Code sections 476.1 and 476.1B. Each utility shall maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income home energy assistance program for the payment of winter heating bills.

19.15(2) *Program plan.* Each utility shall have on file with the board a detailed description of its program plan. At a minimum, the plan shall include the following information:

a. A list of the members of the governing board, council, or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;

b. A sample of the customer notification with a description of the method and frequency of its distribution;

c. A sample of the authorization form provided to customers; and

d. The date of implementation.

Program plans for new customer contribution funds shall be rejected if not in compliance with this rule.

19.15(3) *Notification.* Each utility shall notify all customers of the fund at least twice a year. The method of notice which will ensure the most comprehensive notification to the utility's customers shall be employed. Upon commencement of service and at least once a year, the notice shall be mailed or personally delivered to all customers. The other required notice may be published in a local newspaper(s) of general circulation within the utility's service territory. A utility serving fewer than 6,000 customers may publish their semiannual notices locally in a free newspaper, utility newsletter or shopper's guide instead of a newspaper. At a minimum the notice shall include:

a. A description of the availability and the purpose of the fund;

b. A customer authorization form. This form shall include a monthly billing option and any other methods of contribution.

19.15(4) *Methods of contribution.* The utility shall provide for contributions as monthly pledges, as well as one-time or periodic contributions. Each utility may allow persons or organizations to contribute matching funds.

19.15(5) *Annual report.* On or before September 30 of each year, each utility shall file with the board a report of all the customer contribution fund activity for the previous fiscal year beginning July 1 and ending June 30. The report shall be in a form provided by the board and shall contain an accounting of the total revenues collected and all distributions of the fund. The utility shall report all utility expenses directly related to the customer contribution fund.

19.15(6) *Binding effect.* A pledge by a customer or other party shall not be construed to be a binding contract between the utility and the pledgor. The pledge amount shall not be subject to delayed payment charges by the utility.

199—19.16(476) Reserve margin.

19.16(1) *Applicability.* All rate-regulated gas utility companies may maintain a reserve of contract services in excess of their maximum daily system demand requirement and recover the cost of the reserve from their customers through the purchased gas adjustment.

19.16(2) *Definitions.*

a. *Contract services.* The amount of firm gas delivery capacity or delivery services contracted for use by a utility to satisfy its maximum daily system demand requirement, including the planned delivery capacity of the utility-owned liquefied natural gas facilities, but excluding the delivery capacity of propane storage facilities, shall be considered as contract services.

b. *Maximum daily system demand requirements.* The maximum daily gas demand requirement that the utility forecasts to occur on behalf of its system firm sales customers under peak (design day) weather conditions.

c. *Design day.* The maximum heating season forecast level of all firm sales customers' gas requirements during a 24-hour period beginning at 9 a.m. The design day forecast shall be the combined estimated gas requirements of all firm sales customers calculated by totaling the gas requirements of each customer classification or grouping. The estimated gas requirements for each customer classification or grouping shall be determined based upon an evaluation of historic usage levels of customers in each customer classification or grouping, adjusted for reasonably anticipated colder-than-normal weather conditions and any other clearly identifiable factors that may contribute to the demand for gas by firm customers. The design day calculation shall be submitted for approval by the board with the annual PGA filing required by subrule 19.10(2).

19.16(3) *Maximum daily system demand requirements of less than 25,000 Dth per day.* A reserve margin of 9 percent or less in excess of the maximum daily system demand requirements will be presumed reasonable.

19.16(4) *Maximum daily system demand requirements of more than 25,000 Dth per day.* A reserve margin of 5 percent or less in excess of the maximum daily system demand requirements will be presumed reasonable.

19.16(5) *Rebuttable presumption.* All contract services in excess of an amount needed to meet the maximum daily system demand requirements plus the reserve are presumed to be unjust and unreasonable unless a factual showing to the contrary is made during the periodic review of gas proceeding or in a proceeding specifically addressing the issue with an opportunity for an evidentiary hearing. All contract services less than an amount of the maximum daily system demand requirements plus the reserve are presumed to be just and reasonable unless a factual showing to the contrary can be made during the periodic review of gas proceeding or in a proceeding specifically addressing the issue with an opportunity for an evidentiary hearing.

19.16(6) *Allocation of cost of the reserve.* Fifty percent of the reserve cost shall be collected as a demand charge allocation to noncontractual firm customers. The remaining 50 percent shall be collected as a throughput charge on customers excluding transportation customers who have elected no system supply reserve.

199—19.17(476) Incident notification and reports.

19.17(1) *Notification.* A utility shall notify the board immediately, or as soon as practical, of any incident involving the release of gas, failure of equipment, or interruption of facility operations, which results in any of the following:

a. A death or personal injury necessitating in-patient hospitalization.

b. Estimated property damage of $15,000 or more to the property of the utility and to others, including the cost of gas lost.

c. Emergency shutdown of a liquefied natural gas (LNG) facility.

d. An interruption of service to 50 or more customers.

e. Any other incident considered significant by the utility.

19.17(2) *Information required.* The utility shall notify the board by telephone, as soon as practical, of any reportable incident by calling the board duty officer at 515-745-2332. The caller shall leave a call-back number for a person who can provide the following information:

a. The name of the utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.

b. The location of the incident.

c. The time of the incident.

d. The number of deaths or personal injuries and the extent of those injuries, if any.

e. An initial estimate of damages.

f. The number of services interrupted.

g. A summary of the significant information available to the utility regarding the probable cause of the incident and extent of damages.

h. Any oral or written report required by the U.S. Department of Transportation, and the name of the person who made the oral report or prepared the written report.

19.17(3) *Written incident reports.* Within 30 days of the date of the incident, the utility shall file a written report with the board. The report shall include the information required for telephone notice in subrule 19.17(2), the probable cause as determined by the utility, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Copies of any written reports concerning an incident or safety-related

condition filed with or submitted to the U.S. Department of Transportation or the National Transportation Safety Board shall also be provided to the board.

These rules are intended to implement 42 U.S.C.A. 8372, 10 CFR, 516.30, and Iowa Code sections 476.1, 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 476.86, 476.87 and 546.7.

[Filed 7/12/66; amended 6/27/75]
[Filed 12/30/75, Notice 10/6/75—published 1/26/76, effective 3/1/76]
[Filed 9/30/77, Notice 6/29/77—published 10/19/77, effective 11/23/77]
[Filed 10/4/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]
[Filed emergency 12/22/78—published 1/10/79, effective 12/22/78]
[Filed 4/10/79, Notice 11/1/78—published 5/2/79, effective 6/6/79]
[Filed 6/8/79, Notice 4/4/79—published 6/27/79, effective 8/1/79]
[Filed 9/24/80, Notice 7/23/80—published 10/15/80, effective 11/19/80]
[Filed 9/26/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]
[Filed 6/5/81, Notice 4/15/81—published 6/24/81, effective 7/29/81]
[Filed 6/19/81, Notice 10/1/80—published 7/8/81, effective 8/12/81]
[Filed 10/20/81, Notice 11/26/80—published 11/11/81, effective 12/16/81]
[Filed emergency 11/17/81 after Notice 9/30/81—published 12/9/81, effective 11/17/81]
[Filed emergency 12/14/81—published 1/6/82, effective 12/14/81]
[Filed 1/28/82, Notice 5/27/81—published 2/17/82, effective 3/24/82]
[Filed 1/28/82, Notice 10/1/80—published 2/17/82, effective 3/31/82]
[Filed 9/24/82, Notice 4/28/82—published 10/13/82, effective 11/17/82]
[Filed 10/21/82, Notice 8/18/82—published 11/10/82, effective 12/15/82]
[Filed 2/25/83, Notice 12/22/82—published 3/16/83, effective 4/20/83]
[Filed emergency 4/22/83—published 5/11/83, effective 4/22/83]
[Filed 4/15/83, Notice 1/19/83—published 5/11/83, effective 6/15/83]
[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]
[Filed emergency 7/29/83—published 8/17/83, effective 7/29/83]
[Filed 9/9/83, Notice 6/8/83—published 9/28/83, effective 11/2/83]
[Filed 9/9/83, Notice 6/8/83—published 9/28/83, effective 1/1/84]
[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]
[Filed emergency 12/16/83 after Notice 9/28/83—published 1/4/84, effective 1/1/84]
[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/8/84]
[Filed 1/13/84, Notice 11/9/83—published 2/1/84, effective 3/7/84]
[Filed 1/27/84, Notice 11/23/84—published 2/15/84, effective 3/21/84][1]
[Filed 4/9/84, Notice 1/18/84—published 4/25/84, effective 5/30/84]
[Filed 4/20/84, Notice 2/15/84—published 5/9/84, effective 6/13/84][2]
[Filed 5/4/84, Notice 1/4/84—published 5/23/84, effective 6/27/84]
[Filed emergency 6/1/84—published 6/20/84, effective 6/1/84]
[Filed emergency 6/15/84—published 7/4/84, effective 6/15/84]
[Filed 8/24/84, Notice 1/18/84—published 9/12/84, effective 10/17/84]
[Filed 9/10/84, Notice 7/18/84—published 9/26/84, effective 10/31/84]
[Filed 9/21/84, Notice 5/23/84—published 10/10/84, effective 11/14/84]
[Filed 10/19/84, Notice 8/15/84—published 11/7/84, effective 12/26/84]
[Filed 1/14/85, Notice 11/7/84—published 1/30/85, effective 3/6/85]
[Filed 4/19/85, Notice 2/13/85—published 5/8/85, effective 6/12/85]
[Filed 5/6/85, Notice 1/2/85—published 5/22/85, effective 6/26/85]
[Filed 6/14/85, Notice 4/10/85—published 7/3/85, effective 8/7/85]
[Filed 8/9/85, Notice 6/19/85—published 8/28/85, effective 10/2/85]
[Filed emergency 2/7/86 after Notices 10/9/85, 12/4/85—published 2/26/86, effective 3/31/86]
[Filed 8/8/86, Notice 5/7/86—published 8/27/86, effective 10/1/86][3]
[Filed 8/22/86, Notice 6/18/86—published 9/10/86, effective 10/15/86][3]
[Filed 8/22/86, Notices 5/21/86, 6/4/86—published 9/10/86, effective 10/15/86][4]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]
[Filed 4/3/87, Notices 11/5/86, 12/3/86, 2/25/87—published 4/22/87, effective 5/27/87]
[Filed 4/17/87, Notice 12/3/86—published 5/6/87, effective 6/10/87]
[Filed 11/13/87, Notice 10/7/87—published 12/2/87, effective 1/6/88]
[Filed 9/2/88, Notice 3/9/88—published 9/21/88, effective 10/26/88]
[Filed 9/2/88, Notice 7/27/88—published 9/21/88, effective 10/26/88]
[Filed 12/8/88, Notice 10/19/88—published 12/28/88, effective 2/1/89]
[Filed 1/6/89, Notices 7/1/87, 1/13/88, 7/27/88—published 1/25/89, effective 3/1/89]
[Filed 3/30/89, Notice 10/19/88—published 4/19/89, effective 5/24/89]
[Filed 4/28/89, Notice 9/21/88—published 5/17/89, effective 6/21/89]
[Filed 5/24/89, Notices 5/4/88, 6/29/88, 12/14/88—published 6/14/89, effective 7/19/89]
[Filed 5/24/89, Notice 1/11/89—published 6/14/89, effective 7/19/89]
[Filed 11/27/89, Notice 9/6/89—published 12/13/89, effective 1/17/90]
[Filed 2/1/90, Notice 9/20/89—published 2/21/90, effective 3/28/90]
[Filed 2/28/90, Notice 11/1/89—published 3/21/90, effective 4/25/90][◊]
[Filed emergency 4/13/90—published 5/2/90, effective 4/13/90]
[Filed 4/13/90, Notice 10/18/89—published 5/2/90, effective 6/6/90]
[Filed 5/11/90, Notice 10/18/89—published 5/30/90, effective 7/4/90]
[Filed 5/25/90, Notice 2/21/90—published 6/13/90, effective 7/18/90]
[Filed 9/14/90, Notice 11/29/89—published 10/3/90, effective 11/7/90]
[Filed 11/21/90, Notice 5/2/90—published 12/12/90, effective 1/16/91]
[Filed 12/21/90, Notice 6/27/90—published 1/9/91, effective 2/13/91]
[Filed emergency 3/15/91 after Notice 1/23/91—published 4/3/91, effective 3/15/91]
[Filed 3/28/91, Notice 10/3/90—published 4/17/91, effective 5/22/91]
[Filed emergency 7/16/91 after Notice 6/12/91—published 8/7/91, effective 7/16/91]
[Filed emergency 8/16/91 after Notice 5/1/91—published 9/4/91, effective 10/1/91]
[Filed 3/20/92, Notice 8/7/91—published 4/15/92, effective 5/20/92]
[Filed 4/23/92, Notice 10/30/91—published 5/13/92, effective 6/17/92]
[Filed 2/12/93, Notice 9/16/92—published 3/3/93, effective 4/7/93]
[Filed 8/11/93, Notice 5/12/93—published 9/1/93, effective 10/6/93][§]
[Filed emergency 4/21/94—published 5/11/94, effective 4/21/94]
[Filed emergency 7/15/94 after Notice 3/16/94—published 8/3/94, effective 8/1/94]
[Filed 4/21/95, Notice 9/28/94—published 5/10/95, effective 6/14/95]
[Filed 12/23/96, Notice 9/11/96—published 1/15/97, effective 2/19/97]
[Filed 9/4/97, Notice 3/12/97—published 9/24/97, effective 10/29/97]
[Filed 10/31/97, Notices 1/29/97, 3/12/97—published 11/19/97, effective 12/24/97]
[Filed 10/31/97, Notice 5/7/97—published 11/19/97, effective 12/24/97]
[Filed 1/23/98, Notice 7/2/97—published 2/11/98, effective 3/18/98]
[Published 6/17/98 to update name and address of board]
[Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]
[Filed 12/8/99, Notice 4/21/99—published 12/29/99, effective 2/2/00]
[Filed 1/21/00, Notice 11/3/99—published 2/9/00, effective 3/15/00]
[Filed 5/11/00, Notice 10/6/99—published 5/31/00, effective 7/5/00]
[Filed 1/4/01, Notices 3/8/00, 8/23/00—published 1/24/01, effective 2/28/01]
[Filed 3/1/01, Notice 7/12/00—published 3/21/01, effective 4/25/01]
[Filed emergency 3/30/01—published 4/18/01, effective 3/30/01]
[Filed 8/3/01, Notice 3/21/01—published 8/22/01, effective 11/1/01]
[Filed 9/14/01, Notice 4/18/01—published 10/3/01, effective 11/7/01]
[Filed 3/29/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]
[Filed 12/27/02, Notice 7/24/02—published 1/22/03, effective 2/26/03]
[Filed 7/18/03, Notice 2/5/03—published 8/6/03, effective 9/10/03]
[Filed 10/24/03, Notices 2/5/03, 4/2/03—published 11/12/03, effective 12/17/03]

[Filed 11/19/03, Notice 4/2/03—published 12/10/03, effective 1/14/04]
[Filed 4/9/04, Notice 10/15/03—published 4/28/04, effective 6/2/04]
[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]
[Filed 7/30/04, Notice 6/9/04—published 8/18/04, effective 9/22/04]
[Filed 9/24/04, Notice 8/18/04—published 10/13/04, effective 11/17/04]
[Filed 10/8/04, Notice 7/7/04—published 10/27/04, effective 12/1/04]
[Filed 1/22/07, Notice 11/8/06—published 2/14/07, effective 3/21/07]
[Filed 4/4/07, Notice 9/13/06—published 4/25/07, effective 5/30/07]
[Filed 5/2/07, Notice 3/28/07—published 5/23/07, effective 6/27/07]
[Filed 12/27/07, Notice 9/26/07—published 1/30/08, effective 3/5/08]
[Filed ARC 7584B (Notice ARC 7420B, IAB 12/17/08), IAB 2/25/09, effective 4/1/09]

◊ Two or more ARCs

1 Effective date of 19.3(10)*"a," "b,"*(1), (2), (2)"1," (3) and (4) delayed 70 days by administrative rules review committee.

2 Effective date of 19.4(11), third unnumbered paragraph, delayed 70 days by administrative rules review committee.

3 See IAB, Utilities Division

4 Published in Notice portion of IAB 9/10/86; See IAB 10/22/86

5 Effective date of 19.4(3) delayed until the adjournment of the 1994 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its meeting held September 15, 1993.

CHAPTER 20
SERVICE SUPPLIED BY ELECTRIC UTILITIES
[Prior to 10/8/86, Commerce Commission[250]]

199—20.1(476) General information.

20.1(1) *Authorization of rules.* Iowa Code chapter 476 provides that the Iowa utilities board shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, content and filing of reports, documents and other papers necessary to carry out the provisions of this law.

Iowa Code chapter 478 provides that the Iowa utilities board shall have power to make and enforce rules relating to the location, construction, operation and maintenance of certain electrical transmission lines.

The application of the rules in this chapter to municipally owned utilities furnishing electricity is limited by Iowa Code section 476.1B, and the application of the rules in this chapter to electric utilities with fewer than 10,000 customers and to electric cooperative associations is limited by the provisions of Iowa Code section 476.1A.

20.1(2) *Application of rules.* The rules shall apply to any electric utility operating within the state of Iowa subject to Iowa Code chapter 476, and to the construction, operation and maintenance of electric transmission lines to the extent provided in Iowa Code chapter 478, and shall supersede all tariffs on file with the board which are in conflict with these rules.

These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities.

A request to waive the application of any rule on a permanent or temporary basis may be made in accordance with 199—1.3(17A,474,476,78GA,HF2206).

The adoption of these rules shall in no way preclude the board from altering or amending them pursuant to statute or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.

These rules shall in no way relieve any utility from any of its duties under the laws of this state.

20.1(3) *Definitions.* The following words and terms when used in these rules, shall have the meaning indicated below:

"Acid Rain Program" means the sulfur dioxide and nitrogen oxides air pollution control program established pursuant to Title IV of the Act under 40 CFR Parts 72-78.

"Act" means the Clean Air Act, 42 U.S.C. Section 7401, et seq., as amended by Pub. L. 101-549, November 15, 1990.

"Affected unit" means a unit or source that is subject to any emission reduction requirement or limitation under the Acid Rain Program, the Clean Air Interstate Rule (CAIR) or the Clean Air Mercury Rule (CAMR), or a unit or source that opts in under 40 CFR Part 74.

"Allowance" means an authorization, allocated by the United States Environmental Protection Agency (EPA) under the Acid Rain Program, to emit sulfur dioxide (SO_2), any SO_2 and nitrogen oxide (NO_X) emissions subject to the Clean Air Interstate Rule (CAIR), or mercury (Hg) emissions subject to the Clean Air Mercury Rule (CAMR), during or after a specified calendar year.

"Allowance forward contract" is an agreement between a buyer and seller to transfer an allowance on a specified future date at a specified price.

"Allowance futures contract" is an agreement between a futures exchange clearinghouse and a buyer or seller to buy or sell an allowance on a specified future date at a specified price.

"Allowance option contract" is an agreement between a buyer and seller whereby the buyer has the option to transfer an allowance(s) at a specified date at a specified price. The seller of a call or put option will receive a premium for taking on the associated risk.

"Board" means the utilities board.

"Clean Air Interstate Rule" or *"CAIR"* means the requirements EPA published in the Federal Register (70 Fed. Reg. 25161) on May 12, 2005.

"Clean Air Mercury Rule" or *"CAMR"* means the requirements EPA published in the Federal Register (70 Fed. Reg. 28605) on May 18, 2005.

"Complaint" as used in these rules is a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility obligation.

"Compliance plan" means the document submitted for an affected source to the EPA which specifies the methods by which each affected unit at the source will meet the applicable emissions limitation and emissions reduction requirements.

"Customer" means any person, firm, association, or corporation, any agency of the federal, state or local government, or legal entity responsible by law for payment for the electric service or heat from the electric utility.

"Delinquent" or *" delinquency"* means an account for which a service bill or service payment agreement has not been paid in full on or before the last day for timely payment.

"Distribution line" means any single or multiphase electric power line operating at nominal voltage in either of the following ranges: 2,000 to 26,000 volts between ungrounded conductors or 1,155 to 15,000 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Economy energy" is energy bought or sold in a transaction wherein the supplier's incremental cost is less than the buyer's decremental cost, and the differential in cost is shared in an equitable manner by the supplier and buyer.

"Electric plant" includes all real estate, fixtures and property owned, controlled, operated or managed in connection with or to facilitate production, generation, transmission, or distribution, in providing electric service or heat by an electric utility.

"Electric service" is furnishing to the public for compensation any electricity, heat, light, power, or energy.

"Emission for emission trade" is an exchange of one type of emission for another type of emission. For example, the exchange of SO_2 emission allowances for NO_X emission allowances.

"Energy" means electric energy measured in kilowatt hours.

"Firm power" is power and associated energy intended to be available at all times during the period covered by the commitment.

"Gains and losses from allowance sales" are calculated as the difference between the sale price of allowances sold during the month and the weighted average unit cost of inventoried allowances.

"Meter" means, unless otherwise qualified, a device that measures and registers the integral of an electrical quantity with respect to time.

"Meter shop" is a shop where meters are inspected, repaired and tested, and may be at a fixed location or may be mobile.

"Operating reserve" is a reserve generating capacity required to ensure reliability of generation resources.

"Operational control energy" is energy supplied by a selling utility to a buying utility for the improvement of electric system operation.

"Outage energy" is energy purchased during emergency or scheduled maintenance outages of generation or transmission facilities, or both.

"Participation power" means power and associated energy or energy which is purchased or sold from a specific unit or units on the basis that its availability is subject to prorate or other specified reduction if the units are not operated at full capacity.

"Peaking power" is power and associated energy intended to be available at all times during the commitment and which is anticipated to have low load factor use.

"Power" means electric power measured in kilowatts.

"Price hedging" means using futures contracts or options to guard against unfavorable price changes.

"Rate-regulated utility" means any utility, as defined in 20.1(3), which is subject to board rate regulation under Iowa Code chapter 476.

"Secondary line" means any single or multiphase electric power line operating at nominal voltage less than either 2,000 volts between ungrounded conductors or 1,155 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Service limitation" means the establishment of a limit on the amount of power that may be consumed by a residential customer through the installation of a service limiter on the customer's meter.

"Service limiter" means a circuit breaker device that limits a residential customer's power consumption to 15 amps at 120 volts (or some higher level of usage approved by the board) and that either resets itself automatically or can be reset by the customer.

"Speculation" means using futures contracts or options to profit from expectations of future price changes.

"Tariff" means the entire body of rates, tolls, rentals, charges, classifications, rules, procedures, policies, etc., adopted and filed with the board by an electric utility in fulfilling its role of furnishing service.

"Timely payment" is a payment on a customer's account made on or before the date shown on a current bill for service, or on a form which records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as the date which determines application of a late payment charge to the current bill or future collection efforts.

"Transmission line" means any single or multiphase electric power line operating at nominal voltages at or in excess of either 69,000 volts between ungrounded conductors or 40,000 volts between grounded and ungrounded conductors, regardless of the functional service provided by the line.

"Utility" means any person, partnership, business association or corporation, domestic or foreign, owning or operating any facilities for providing electric service or heat to the public for compensation.

"Vintage trade" is an exchange of one vintage of allowances for another vintage of allowances with the difference in value between vintages being cash or additional allowances.

"Weighted average unit cost of inventoried allowances" equals the dollars in inventory at the end of the month divided by the total allowances available for use at the end of the month.

"Wheeling service" is the service provided by a utility in consenting to the use of its transmission facilities by another party for the purpose of scheduling delivery of power or energy, or both.

20.1(4) *Abbreviations.* The following abbreviations may be used where appropriate:

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10018.

DOE—Department of Energy, Washington, D.C. 20426.

EPA—United States Environmental Protection Agency.

FCC—Federal Communications Commission, 1919 M Street, Washington, D.C. 20554.

FERC—Federal Energy Regulatory Commission, Washington, D.C. 20426.

NARUC—National Association of Regulatory Utility Commissioners, P.O. Box 684, Washington, D.C. 20044.

NBS—National Bureau of Standards, Washington, D.C. 20234.

NFPA—National Fire Protection Association, 470 Atlantic Ave., Boston, Massachusetts 02210.

199—20.2(476) Records, reports, and tariffs.

20.2(1) *Location and retention of records.* Unless otherwise specified by this chapter, all records required by these rules shall be kept and preserved in accordance with the applicable provisions of 199—Chapter 18.

20.2(2) *Tariffs to be filed with the board.* The schedules of rates and rules of rate-regulated electric utilities shall be filed with the board and shall be classified, designated, arranged and submitted so as to conform to the requirements of this chapter. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not be required to file schedules of rates, rules, or contracts primarily concerned with a rate schedule with the board and shall not be subject to the provisions related to rate regulations, but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules

or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board.

20.2(3) *Form and identification.* All tariffs shall conform to the following rules:

a. The tariff shall be printed, typewritten or otherwise reproduced on 8½- × 11- inch sheets of durable white paper so as to result in a clear and permanent record. The sheets of the tariff should be ruled or spaced to set off a border on the left side suitable for binding. In the case of utilities subject to regulation by any federal agency the format of sheets of tariff as filed with the board may be the same format as is required by the federal agency provided that the rules of the board as to title page; identity of superseding, replacing or revision sheets; identity of amending sheets: identity of the filing utility, issuing official, date of issue, effective date; and the words "Tariff with board" shall apply in the modification of the federal agency format for the purposes of filing with this board.

b. The title page of every tariff and supplement shall show:

(1) The first page shall be the title page which shall show:

(Name of Public Utility)
Electric Tariff
Filed with
Iowa Utilities Board

(Date)

(This requirement does not apply to tariffs or amendments filed with the board prior to July 1, 1981.)

(2) When a tariff is to be superseded or replaced in its entirety, the replacing tariff shall show on the upper right corner of its title page that it supersedes a tariff on file and the number being superseded or replaced, for example:

TARIFF NO. _____
SUPERSEDES TARIFF NO. _____

(This requirement does not apply to tariffs or amendments filed with the board prior to July 1, 1981.)

(3) When a new part of a tariff eliminates an existing part of a tariff it shall so state and clearly indicate the part eliminated.

(4) Any tariff modifications as defined above shall be marked in the right-hand margin of the replacing tariff sheet with symbols as here described to indicate the place, nature and extent of the change in text.

—Symbols—

(C)—Changed regulation
(D)—Discontinued rate or regulation
(I)—Increase in rate or new treatment resulting in increased rate
(N)—New rate, treatment or regulation
(R)—Reduction in rate or new treatment resulting in reduced rate
(T)—Change in text only

c. All sheets except the title page shall have, in addition to the above-stated requirements, the following information:

(1) Name of utility under which shall be set forth the words "Filed with board." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date (to be left blank by rate-regulated utilities).

d. All sheets except the title page shall have the following form:

(Company Name)	(Part identification)
Electric Tariff	(This sheet identification)
Filed with board	(Canceled sheet identification, if any)

	(Content or tariff)
Issued: (Date)	Effective:
Issued by: (Name, title)	(Proposed Effective Date:)

The issued date is the date the tariff or the amended sheet content was adopted by the utility.

The effective date will be left blank by rate-regulated utilities and shall be determined by the board. The utility may propose an effective date.

20.2(4) *Content of tariffs.*

a. A table of contents containing a list of rate schedules and other sections in the order in which they appear showing the sheet numbers of the first page of each rate schedule or other section. In the event the utility filing the tariff elects to segregate a section such as general rules from the section containing the rate schedules or other sections, it may at its option prepare a separate table of contents for each such segregated section.

b. A preliminary statement containing a brief general explanation of the utility's operations.

c. All rates for service with indication for each rate of the type and voltage of service and the class of customers to which each rate applies. There shall also be shown any limitations on loads and type of equipment which may be connected, the net prices per unit of service and the number of units per billing period to which the net prices apply, the period of billing, the minimum bill, any effect of transformer capacity upon minimum bill or upon the number of kWh in any step of the rate, method of measuring demands, method of calculating or estimating loads in cases where transformer capacity has a bearing upon minimum bill or size of rate steps, level payment plan, and any special terms or conditions applicable. The period during which the net amount may be paid before the account becomes delinquent shall be specified. In any case where net and gross amounts are billed, the difference between net and gross is a late payment charge and shall be so specified.

d. The voltage and type of service, (direct current or single or polyphase alternating current) supplied in each municipality, but without reference required to any particular part thereof.

e. Forms of standard contracts required of customers for the various types of service available.

f. If service to other utilities or municipalities is furnished at a standard filed rate, either a copy of each signed contract or a copy of the standard uniform contract form together with a summary of the provisions of each signed contract. The summary shall show the principal provisions of the contract and shall include the name and address of the customer, the points where energy is delivered, rate, term, minimum, load conditions, voltage of delivery and any special provisions such as rentals. Standard contracts for such sales as that of energy for resale, street lighting, municipal athletic field lighting, and for water utilities may be filed in summary form as above outlined.

g. Copies of special contracts for the purchase, sale, or interchange of electrical energy. All tariffs must provide that, notwithstanding any other provision of this tariff or contract with reference thereto, all rates and charges contained in this tariff or contract with reference thereto may be modified at any time by a subsequent filing made pursuant to the provisions of Iowa Code chapter 476.

h. A list of all communities in which service is furnished.

i. The list of service areas and the rates shall be filed in a form to facilitate ready determination of the rates available in each municipality and in unincorporated communities that have service. If the utility has various rural rates, the areas where the same are available shall be indicated.

j. Definitions of classes of customers.

k. Extension rules for extending service to new customers indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included.

l. Type of construction which the utility requires the customer to provide if in excess of the Iowa electric safety code or the requirements of the municipality having jurisdiction, whichever may be the most stringent in any particular.

m. Specification of such portion of service as the utility furnishes, owns, and maintains, such as service drop, service entrance cable or conductors, conduits, service entrance equipment, meter and socket. Indication of the portions of interior wiring such as range or water heater connection, furnished in

whole or in part by the utility, and statement indicating final ownership and responsibility for maintaining equipment furnished by utility.

n. Statement of the type of special construction commonly requested by customers which the utility allows to be connected, and terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

o. Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

p. Rules governing the establishment and maintenance of credit by customers for payment of service bills.

q. Rules governing the procedure followed in disconnecting and reconnecting service.

r. Notice required from a customer for having service discontinued.

s. Rules covering temporary, emergency, auxiliary and stand-by service.

t. Rules covering the type of equipment which may or may not be connected, including rules such as those requiring demand-limiting devices or power-factor corrective equipment.

u. General statement of the method used in making adjustments for wastage of electricity when accidental grounds exist without the knowledge of the customer.

v. Statements of utility rules on meter reading, bill issuance, customer payment, notice of delinquency, and service discontinuance for nonpayment of bill.

w. Rules for extending service in accordance with 20.3(13).

x. If a sliding scale or automatic adjustment is applicable to regulated rates and charges of billed customers, the manner and method of such adjustment calculation shall be covered through a detailed explanation.

y. Rules on how a customer or prospective customer should file a complaint with the utility, and how the complaint will be processed.

z. Rules on how a customer, disconnected customer or potential customer for residential service may negotiate for a payment agreement on amount due, determination of even payment amounts, and time allowed for payments.

20.2(5) *Annual, periodic and other reports to be filed with the board.*

a. System map verification. The utility shall file annually a verification that it has a currently correct set of utility system maps in accordance with general requirement 20.3(11) and a statement as to the location of the utility's offices where such maps are accessible and available for examination by the board or its agents. The verification and map location information shall also be reported to the board upon other occasions when significant changes occur in either the maps or location of the maps.

b. Accident reports. Rescinded IAB 12/11/91, effective 1/15/92. See 199—25.5(476,478).

c. Rescinded IAB 11/13/02, effective 12/18/02.

d. Electric service record. Each utility shall compile a monthly record of electric service showing the production, acquisition and disposition of electric energy, the number of customer terminal voltage investigations made, the number of customer meters tested and such other information as may be required by the board. The monthly "Electric Service" record shall be compiled not later than 30 days after the end of the month covered and such record shall, upon and after compilation, be kept available for inspection by the board or its staff at the utility's principal office within the state of Iowa. A summary of the 12 monthly "Electric Service" records for each calendar year shall be attached to and submitted with the utility's annual report to the board.

e. The utility shall keep the board informed currently by written notice as to the location at which the utility keeps the various classes of records required by these rules.

f. A copy of the utility's current rules, if any, published or furnished by the utility for the use of engineers, architects, electrical contractors, etc., covering meter and service installations shall be filed with the board.

g. A copy of each type of customer bill form in current use shall be filed with the board.

h. A copy of the adjustment calculation shall be provided the board prior to each billing cycle on the forms adopted by the board.

i. Rescinded IAB 1/9/91, effective 2/13/91.

j. Residential customer statistics. Each rate-regulated electric utility shall file with the board on or before the fifteenth day of each month one copy of the following residential customer statistics for the preceding month:

(1) Number of accounts;

(2) Number of accounts certified as eligible for energy assistance since the preceding October 1;

(3) Number of accounts past due;

(4) Number of accounts eligible for energy assistance and past due;

(5) Total revenue owed on accounts past due;

(6) Total revenue owed on accounts eligible for energy assistance and past due;

(7) Number of disconnection notices issued;

(8) Number of disconnection notices issued on accounts eligible for energy assistance;

(9) Number of disconnections for nonpayment;

(10) Number of reconnections;

(11) Number of accounts determined uncollectible; and

(12) Number of accounts eligible for energy assistance and determined uncollectible.

k. List of persons authorized to receive board inquiries. Each utility shall file with the board in the annual report required in 199—subrule 23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) franchises for electric lines; (6) certificates for electric generating plants. Each utility shall file with the board a telephone contact number where the board can obtain current information 24 hours a day about outages and interruptions of service from a knowledgeable person. The contact information required by this paragraph shall be kept current as changes or corrections are made.

This rule is intended to implement Iowa Code section 476.2.

199—20.3(476) General service requirements.

20.3(1) *Disposition of electricity.* The meter and associated instrument transformers shall be owned by the utility. The wiring between the instrument transformers and the meter shall be owned or controlled by the utility. The utility shall place a visible seal on all meters in customer use, such that the seal must be broken to gain entry.

a. All electricity sold by a utility shall be on the basis of meter measurement except:

(1) Where the consumption of electricity may be readily computed without metering; or

(2) For temporary service installations.

b. The amount of all electricity delivered to multioccupancy premises within a single building, where units are separately rented or owned, shall be measured on the basis of individual meter measurement for each unit, except in the following instances:

(1) Where electricity is used in centralized heating, cooling, water-heating, or ventilation systems;

(2) Where a facility is designated for elderly or handicapped persons;

(3) Where submetering or resale of service was permitted prior to 1966; or

(4) Where individual metering is impractical. "Impractical" means: (1) where conditions or structural barriers exist in the multioccupancy building that would make individual meters unsafe or physically impossible to install; (2) where the cost of providing individual metering exceeds the long-term benefits of individual metering; or (3) where the benefits of individual metering (reduced and controlled energy consumption) are more effectively accomplished through a master meter arrangement.

If a multioccupancy building is master-metered, the end-user occupants may be charged for electricity as an unidentified portion of the rent, condominium fee, or similar payment, or, if some other method of allocating the cost of the electric service is used, the total charge for electric service shall not exceed the total electric bill charged by the utility for the same period.

c. Master metering to multiple buildings is prohibited, except for multiple buildings owned by the same person or entity. Multioccupancy premises within a multiple building complex may be master-metered pursuant to this paragraph only if the requirements of paragraph 20.3(1)*"b"* have been met.

d. For purposes of this subrule, a "master meter" means a single meter used in determining the amount of electricity provided to a multioccupancy building or multiple buildings.

e. This rule shall not be construed to prohibit any utility from requiring more extensive individual metering than otherwise required by this rule if pursuant to tariffs filed with and approved by the board.

f. All electricity consumed by the utility shall be on the basis of meter measurement except where consumption may be readily computed without metering, or where metering is impractical.

20.3(2) *Condition of meter.* Rescinded IAB 11/12/03, effective 12/17/03.

20.3(3) *Meter reading records.* The meter reading records shall show:

a. Customer's name, address, and rate schedule or identification of rate schedule.

b. Identification of the meter or meters either by permanently marked utility number or by manufacturer's name, type number and serial number.

c. Meter readings.

d. If the reading has been estimated.

e. Any applicable multiplier or constant.

20.3(4) *Meter charts.* All charts taken from recording meters shall be marked with the initial and final date and hour of the record, the meter identification, customer's name and location and the chart multiplier.

20.3(5) *Meter register.* If it is necessary to apply a multiplier to the meter readings, the multiplier must be marked on the face of the meter register or stenciled in weather resistant paint upon the front cover of the meter. Customers shall have continuous visual access to meter registers as a means of verifying the accuracy of bills presented to them and for implementing such energy conservation initiatives as they desire, except in the individual locations where the utility has experienced vandalism to windows in the protective enclosures. Where remote meter reading is used, whether outdoor on premises or off premises automated, the customer shall also have readable meter registers at the meter.

Where magnetic tape or other delayed processing means is used the utility may comply by having readable kWh registers only, visually accessible.

In instances in which the utility has determined that readable access, to locations existing July 1, 1981, will create a safety hazard, the utility is exempted from the access provisions above.

In instances when a building owner has determined that unrestricted access to tenant metering installation would create a vandalism or safety hazard the utility is exempted from the access provision above.

Continuing efforts should be made to eliminate or minimize the number of restricted locations. The utility should assist affected customers in obtaining meter register information.

20.3(6) *Meter reading and billing interval.* Readings of all meters used for determining charges and billings to customers shall be scheduled at least monthly and for the beginning and termination of service. Bills to larger customers may, for good cause, be rendered weekly or daily for a period not to exceed one month. Intervals other than monthly shall not be applied to smaller customers, or to larger customers after the initial month provided above, without a waiver from the board. A waiver request must include sufficient information to comply with 199—1.3(17A,474,476,78GA,HF2206). If the board denies a waiver, or if a waiver is not sought with respect to a high demand customer after the initial month, that customer's meter shall be read monthly for the next 12 months. The group of larger customers to which shorter billing intervals may be applied shall be specified in the utility's tariff sheets, but shall not include residential customers.

An effort shall be made to obtain readings of the meters on corresponding days of each meter-reading period. When the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter reading period, such bills shall be prorated on a daily basis.

The utility may permit the customer to supply the meter readings by telephone or on a form supplied by the utility. The utility may arrange for customer meter reading forms to be delivered to the utility by United States mail, electronically, or by hand delivery. The utility may arrange for the meter to be read by electronic means. Unless the utility has a plan to test check meter readings, a utility representative shall physically read the meter at least once each 12 months.

In the event that the utility leaves a meter reading form with the customer when access to meters cannot be gained and the form is not returned in time for the billing operation, an estimated bill may be rendered.

If an actual meter reading cannot be obtained, the utility may render an estimated bill without reading the meter or supplying a meter reading form to the customer. Only in unusual cases or when approval is obtained from the customer shall more than three consecutive estimated bills be rendered.

20.3(7) *Demand meter registration.* When a demand meter is used for billing, the meter installation should be designed so that the highest expected annual demand reading to be used for billing will appear in the upper half of the meter's range.

20.3(8) *Service areas.* Service areas are defined by the boundaries on service area maps, available for viewing during regular business hours at the board's offices, and available for purchase at the cost of reproduction. These service area maps are adopted as part of this rule and are incorporated in this rule by this reference.

20.3(9) *Petition for modification of service area and answers.* An exclusive service area is subject to modification through a contested case proceeding which may be commenced by filing a petition for modification of service area with the board. The board may commence a service area modification proceeding on its own motion.

Any electric utility or municipal corporation may file a petition for modification of service area which shall contain a legal description of the service area desired, a designation of the utilities involved in each boundary section, and a justification for the proposed service area modification. The justification shall include a detailed statement of why the proposed modification is in the public interest. A map showing the affected areas which complies with subrule 20.3(11)*"a"* shall be attached to the petition as an exhibit. The petition shall be delivered by the United States Postal Service or personal service and shall be considered as filed with the agency on the date of the postmark or the date of personal service.

Copies of the petition shall be served on all utilities involved and the consumer advocate. Those utilities and the consumer advocate shall be parties of record to the proceeding.

All parties shall file an answer which complies with 199—subrule 7.5(1).

20.3(10) *Certificate of authority.* Any electric utility or municipal corporation requesting a service territory modification pursuant to subrule 20.3(9) which would result in service to a customer by a utility other than the utility currently serving the customer must also petition the board for a certificate of authority under Iowa Code section 476.23. The electric utility or municipal corporation shall pay the party currently serving the customer a reasonable price for the facilities serving the customer.

20.3(11) *Maps.*

a. Each utility shall maintain a current map or set of maps showing the physical location of electric lines, stations, and electric transmission facilities for its service areas. The maps shall include the exact location of the following:

(1) Generating stations with capacity designation.

(2) Purchased power supply points with maximum contracted capacity designation.

(3) Purchased power metering points if located at other than power delivery points.

(4) Transmission lines with size and type of conductor designation and operating voltage designation.

(5) Transmission-to-transmission voltage transformation substations with transformer voltage and capacity designation.

(6) Transmission-to-distribution voltage transformation substations with transformer voltage and capacity designation.

(7) Distribution lines with size and type of conductor designation, phase designation and voltage designation.

(8) All points at which transmission, distribution or secondary lines of the utility cross Iowa state boundaries.

(9) All current information required in Iowa Code section 476.24(1).

(10) All county boundaries and county names.

(11) Natural and artificial lakes which cover more than 50 acres and all rivers.

(12) Any additional information required by the board.

b. All maps shall be available for examination at the utility's designated offices during the utility's regular office hours. The maps shall be drawn with clean, uniform lines to a scale of one inch per mile. A large scale shall be used where it is necessary to clarify areas where there is a heavy concentration of facilities. All cartographic details shall be clean cut, and the background shall contain little or no coloration or shading.

20.3(12) Rescinded, IAB 6/29/88, effective 8/3/88.

20.3(13) *Plant additions, electrical line extensions and service lines.*

a. Definitions. The following definitions shall apply to the terms used in this subrule:

"Advance for construction," as used in this subrule, means cash payments or equivalent surety made to the utility by an applicant for an extensive plant addition or an electrical line extension, portions of which may be refunded depending on the attachment of any subsequent service line made to the extensive plant addition or electrical line extension. Cash payments or equivalent surety shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining tax liability.

"Agreed-upon attachment period," as used in this subrule, means a period of not less than 30 days nor more than one year mutually agreed upon by the utility and the applicant within which the customer will attach. If no time period is mutually agreed upon, the agreed-upon attachment period shall be deemed to be 30 days.

"Contribution in aid of construction," as used in this subrule, means a nonrefundable cash payment grossed-up for the income tax effect of such revenue covering the costs of an electrical line extension or service line that are in excess of costs paid by the utility. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability.

"Electrical line extensions" means distribution line extensions and secondary line extensions as defined in subrule 20.1(3), except for service lines as defined in this subrule.

"Equivalent overhead transformer cost," as used in this subrule, is that transformer capitalized cost, or fraction thereof, that would be required for similarly situated customers served by a pole-mounted or platform-mounted transformer(s). For each overhead service, it shall be the capitalized cost of the transformer(s) divided by the number of customers served by that transformer(s). For each underground service, it shall be the capitalized cost of an overhead transformer(s) with the same voltage and volt-ampere rating divided by the number of customers served by that transformer(s).

"Estimated annual revenues," as used in this subrule, shall be calculated based upon the following factors, including, but not limited to: The size of the facility to be used by the customer, the size and type of equipment to be used by the customer, the average annual amount of service required by the equipment, and the average number of hours per day and days per year the equipment will be in use.

"Estimated base revenues," as used in this subrule, shall be calculated by subtracting the fuel expense costs as described in the uniform system of accounts as adopted by the board and energy efficiency charges from the estimated annual revenues.

"Estimated construction costs," as used in this subrule, shall be calculated using average current costs in accordance with good engineering practices and upon the following factors: amount of service required or desired by the customer requesting the electrical line extension or service line; size, location, and characteristics of the electrical line extension or service line, including appurtenances, except equivalent overhead transformer cost; and whether the ground is frozen or whether other adverse conditions exist. In no event shall estimated construction costs include costs associated with facilities built for the convenience of the utility. The customer shall be charged actual permit fees in addition to estimated construction costs. Permit fees are to be paid regardless of whether the customer is required

to pay an advance for construction or a nonrefundable contribution in aid of construction, and the cost of any permit fee is not refundable.

"Plant addition," as used in this subrule, means any additional plant required to be constructed to provide service to a customer other than an electrical line extension or service line.

"Point of attachment" is that point of first physical attachment of the utilities' service drop (overhead) or service lateral (underground) conductors to the customer's service entrance conductors. For overhead services it shall be the point of tap or splice to the service entrance conductors. For underground services it shall be the point of tap or splice to the service entrance conductors in a terminal box or meter or other enclosure with adequate space inside or outside the building wall. If there is no terminal box, meter, or other enclosure with adequate space, it shall be the point of entrance into the building.

"Service line," as used in this subrule, means any secondary line extension, as defined in subrule 20.1(3), on private property serving a single customer or point of attachment of electric service.

"Similarly situated customer," as used in this subrule, means a customer whose annual consumption or service requirements, as defined by estimated annual revenue, are approximately the same as the annual consumption or service requirements of other customers.

"Utility," as used in this subrule, means a rate-regulated utility.

b. Plant additions. The utility shall provide all electric plant at its cost and expense without requiring an advance for construction from customers or developers except in those unusual circumstances where extensive plant additions are required before the customer can be served. A written contract between the utility and the customer which requires an advance for construction by the customer to make plant additions shall be available for board inspection.

c. Electrical line extensions. Where the customer will attach to the electrical line extension within the agreed-upon attachment period after completion of the electrical line extension, the following shall apply:

(1) The utility shall finance and make the electrical line extension for a customer without requiring an advance for construction if the estimated construction costs to provide an electrical line extension are less than or equal to three times estimated base revenue calculated on the basis of similarly situated customers. The utility may use a feasibility model, rather than three times estimated base revenue, to determine what, if any, advance for construction is required by the customer. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. Whether or not the construction of the electrical line extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(2) If the estimated construction cost to provide an electrical line extension is greater than three times estimated base revenue calculated on the basis of similarly situated customers, the applicant for the electrical line extension shall contract with the utility and make, no more than 30 days prior to commencement of construction, an advance for construction equal to the estimated construction cost less three times estimated base revenue to be produced by the customer. The utility may use a feasibility model to determine whether an advance for construction is required. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for board inspection upon request. Whether or not the construction of the electrical line extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(3) Where the customer will not attach within the agreed-upon attachment period after completion of the electrical line extension, the applicant for the electrical line extension shall contract with the utility and make, no more than 30 days prior to the commencement of construction, an advance for construction equal to the estimated construction cost. The utility may use a feasibility model to determine the amount of the advance for construction. The utility shall file a summary explaining the inputs into the feasibility model and a description of the model as part of the utility's tariff. A written contract between the utility and the customer shall be available for board inspection upon request. Whether or not the construction

of the electrical line extension would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees, and the permit fees are not refundable.

(4) Advances for construction may be paid by cash or equivalent surety and shall be refundable for ten years. The customer has the option of providing an advance for construction by cash or equivalent surety unless the utility determines that the customer has failed to comply with the conditions of a surety in the past.

(5) Refunds. When the customer is required to make an advance for construction, the utility shall refund to the depositor for a period of ten years from the date of the original advance a pro-rata share for each service line attached to the electrical line extension. The pro-rata refund shall be computed in the following manner:

1. If the combined total of three times estimated base revenue, or the amount allowed by the feasibility model, for the electrical line extension and each service line attached to the electrical line extension exceeds the total estimated constriction cost to provide the electrical line extension, the entire amount of the advance for construction provided shall be refunded.

2. If the combined total of three times estimated base revenue, or the amount allowed by the feasibility model, for the electrical line extension and each service line attached to the electrical line extension is less than the total estimated construction cost to provide the electrical line extension, the amount to be refunded shall equal three times estimated base revenue, or the amount allowed by the feasibility model, when a service line is attached to the electrical line extension.

3. In no event shall the total amount to be refunded exceed the amount of the advance for construction. Any amounts subject to refund shall be paid by the utility without interest. At the expiration of the above-described ten-year period, the advance for construction record shall be closed and the remaining balance shall be credited to the respective plant account.

(6) The utility shall keep a record of each work order under which the electrical line extension was installed, to include the estimated revenues, the estimated construction costs, the amount of any payment received, and any refunds paid.

d. Service lines.

(1) The utility shall finance and construct either an overhead or underground service line without requiring a nonrefundable contribution in aid of construction or any payment by the applicant where the length of the overhead service line to the first point of attachment is up to 50 feet on private property or where the cost of the underground service line to the meter or service disconnect is less than or equal to the estimated cost of constructing an equivalent overhead service line of up to 50 feet.

(2) Where the length of the overhead service line exceeds 50 feet on private property, the applicant shall be required to provide a nonrefundable contribution in aid of construction for that portion of the service line on private property, exclusive of the point of attachment, within 30 days after completion. The nonrefundable contribution in aid of construction for that portion of the service line shall be computed as follows:

$$\text{(Estimated Construction Costs)} \times \frac{\text{(Total Length in Excess of 50 Feet)}}{\text{(Total Length of Service Line)}}$$

(3) Where the cost of the underground service line exceeds the estimated cost of constructing an equivalent overhead service line of up to 50 feet, the applicant shall be required to provide a nonrefundable contribution in aid of construction within 30 days after completion equal to the difference between the estimated cost of constructing the underground service line and the estimated cost of constructing an equivalent overhead service line of up to 50 feet.

(4) A utility may adopt a tariff or rule that allows the utility to finance and construct a service line of more than 50 feet without requiring a nonrefundable contribution in aid of construction from the customer if the tariff or rule applies equally to all customers or members.

(5) Whether or not the construction of the service line would otherwise require a payment from the customer, the utility shall charge the customer for actual permit fees.

e. *Extensions not required.* Utilities shall not be required to make electrical line extensions or install service lines as described in this subrule, unless the electrical line extension or service line shall be of a permanent nature.

f. *Different payment arrangement.* This subrule shall not be construed as prohibiting any utility from making a contract with a customer using a different payment arrangement, if the contract provides a more favorable payment arrangement to the customer, so long as no discrimination is practiced among customers.

This rule is intended to implement Iowa Code section 476.8.

[**ARC 7584B**, IAB 2/25/09, effective 4/1/09]

199—20.4(476) Customer relations.

20.4(1) *Customer information.* Each utility shall:

a. Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, together with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving prospective customers in its service area.

b. Assist the customer or prospective customer in selecting the most economical rate schedule available for the customer's proposed type of service.

c. Notify customers affected by a change in rates or schedule classification in the manner provided in the rules of practice and procedure before the board. [199—7.4(476)IAC]

d. Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the board, are available for public inspection. If the utility has provided access to its rate schedules and rules for service on its Web site, the notice should include the Web site address.

e. Upon request, inform its customers as to the method of reading meters.

f. State, on the bill form, that tariff and rate schedule information is available upon request at the utility's local business office.

g. Upon request, transmit a statement of either the customer's actual consumption, or degree day adjusted consumption, at the company's option, of electricity for each billing during the prior 12 months.

h. Furnish such additional information as the customer may reasonably request.

20.4(2) *Customer contact employee qualifications.* Each utility shall promptly and courteously resolve inquiries for information or complaints. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer that will enable the customer to reach that employee again if needed.

Each utility shall notify its customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Board by calling (515)281-3839, or toll-free 1-877-565-4450, or by writing to 350 Maple Street, Des Moines, Iowa 50319, or by E-mail to iubcustomer@iub.state.ia.us."

The bill insert or notice for municipal utilities shall include the following statement: "If your complaint is related to service disconnection, safety, or renewable energy, and (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Board by calling (515)281-3839, or toll-free 1-877-565-4450, by writing to 350 Maple Street, Des Moines, Iowa 50319, or by E-mail to iubcustomer@iub.state.ia.us."

The bill insert or notice for non-rate-regulated rural electric cooperatives shall include the following statement: "If your complaint is related to the (utility name) service rather than its rates, and (utility name) does not resolve your complaint, you may request assistance from the Iowa Utilities Board by calling (515)281-3839, or toll-free 1-877-565-4450, by writing to 350 Maple Street, Des Moines, Iowa 50319, or by E-mail to iubcustomer@iub.state.ia.us."

The bill insert or notice on the bill shall be provided monthly by utilities serving more than 50,000 Iowa retail customers and no less than annually by all other electric utilities. Any utility which does not use the standard statement described in this subrule shall file its proposed statement in its tariff for approval. A utility that bills by postcard may place an advertisement in a local newspaper of general circulation or a customer newsletter instead of a mailing. The advertisement must be of a type size that is easily legible and conspicuous and must contain the information set forth above.

20.4(3) *Customer deposits.*

a. Each utility may require from any customer or prospective customer a deposit intended to guarantee partial payment of bills for service. Each utility shall allow a person other than the customer to pay the customer's deposit. In lieu of a cash deposit, the utility may accept the written guarantee of a surety or other responsible party as surety for an account. Upon termination of a guarantee contract, or whenever the utility deems the contract insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice.

b. A new or additional deposit may be required from a customer when a deposit has been refunded or is found to be inadequate. Written notice shall be mailed advising the customer of any new or additional deposit requirement. The customer shall have no less than 12 days from the date of mailing to comply. The new or additional deposit shall be payable at any of the utility's business offices or local authorized agents. An appropriate receipt shall be provided. No written notice is required to be given of a deposit required as a prerequisite for commencing initial service.

c. No deposit shall be required as a condition for service other than determined by application of either credit rating or deposit calculation criteria, or both, of the filed tariff.

d. The total deposit for any residential or commercial customer for a place which has previously received service shall not be greater than the highest billing of service for one month for the place in the previous 12-month period. The deposit for any residential or commercial customer for a place which has not previously received service, or for an industrial customer, shall be the customer's projected one-month usage for the place to be served as determined by the utility, or as may be reasonably required by the utility in cases involving service for short periods or special occasions.

20.4(4) *Interest on customer deposits.* Interest shall be paid by the rate-regulated utility to each customer required to make a deposit. On or after April 21, 1994, rate-regulated utilities shall compute interest on customer deposits at 7.5 percent per annum, compounded annually. Interest for prior periods shall be computed at the rate specified by the rule in effect for the period in question. Interest shall be paid for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

20.4(5) *Customer deposit records.* Each utility shall keep records to show:

a. The name and address of each depositor.

b. The amount and date of the deposit.

c. Each transaction concerning the deposit.

20.4(6) *Customer's receipt for a deposit.* Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish claim if the receipt is lost.

20.4(7) *Deposit refund.* A deposit shall be refunded after 12 consecutive months of prompt payment (which may be 11 timely payments and 1 automatic forgiveness of late payment). For refund purposes the account shall be reviewed for prompt payment after 12 months of service following the making of the deposit and for each 12-month interval terminating on the anniversary of the deposit. However, deposits received from customers subject to the exemption provided by 20.4(3)*"b,"* including surety deposits, may be retained by the utility until final billing. Upon termination of service, the deposit plus accumulated interest, less any unpaid utility bill of the customer, shall be reimbursed to the person who made the deposit.

20.4(8) *Unclaimed deposits.* The utility shall make a reasonable effort to return each unclaimed deposit and accrued interest after the termination of the services for which the deposit was made. The utility shall maintain a record of deposit information for at least two years or until such time as the deposit, together with accrued interest, escheats to the state pursuant to Iowa Code section 556.4, at which time the record and deposit, together with accrued interest less any lawful deductions, shall be sent to the state treasurer pursuant to Iowa Code section 556.11.

20.4(9) *Customer bill forms.* Each customer shall be informed as promptly as possible following the reading of the customer's meter, on bill form or otherwise, of the following:

a. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.

b. The dates on which the meter was read, at the beginning and end of the billing period.

c. The number and kind of units metered.

d. The applicable rate schedule, or identification of the applicable rate schedule.

e. The account balance brought forward and amount of each net charge for rate-schedule-priced utility service, sales tax, other taxes, late payment charge, and total amount currently due. In the case of prepayment meters, the amount of money collected shall be shown.

f. The last date for timely payment shall be clearly shown and shall be not less than 20 days after the bill is rendered.

g. A distinct marking to identify an estimated bill.

h. A distinct marking to identify a minimum bill.

i. Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors, such as sliding scale or automatic adjustment and amount of sales tax adjustments used in determining the bill.

j. Customer billing information alternate. A utility serving less than 5000 electric customers may provide the information in 20.4(9) on bill form or otherwise. If the utility elects not to provide the information of 20.4(9), it shall advise the customer, on bill form or by bill insert, that such information can be obtained by contacting the utility's local office.

20.4(10) Rescinded, effective 7/1/81.

20.4(11) *Payment agreements.*

a. *Availability of a first payment agreement.* When a residential customer cannot pay in full a delinquent bill for utility service or has an outstanding debt to the utility for residential utility service and is not in default of a payment agreement with the utility, a utility shall offer the customer an opportunity to enter into a reasonable payment agreement.

b. *Reasonableness.* Whether a payment agreement is reasonable will be determined by considering the current household income, ability to pay, payment history including prior defaults on similar agreements, the size of the bill, the amount of time and the reasons why the bill has been outstanding, and any special circumstances creating extreme hardships within the household. The utility may require the person to confirm financial difficulty with an acknowledgment from the department of human services or another agency.

c. *Terms of payment agreements.*

(1) *First payment agreement.* The utility shall offer customers who have received a disconnection notice or have been disconnected 120 days or less and who are not in default of a payment agreement the option of spreading payments evenly over at least 12 months by paying specific amounts at scheduled times. The utility shall offer customers who have been disconnected more than 120 days and who are not in default of a payment agreement the option of spreading payments evenly over at least 6 months by paying specific amounts at scheduled times.

1. The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules. The utility may also require the customer to enter into a level payment plan to pay the current bill.

2. When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer.

3. The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission. When the customer makes the agreement over the telephone or through electronic transmission, the utility shall render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral agreement or electronic agreement. The document will be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free or collect telephone number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement or electronic agreement.

4. Each customer entering into a first payment agreement shall be granted at least one late payment that is made four days or less beyond the due date for payment and the first payment agreement shall remain in effect.

(2) *Second payment agreement.* The utility shall offer a second payment agreement to a customer who is in default of a first payment agreement if the customer has made at least two consecutive full payments under the first payment agreement. The second payment agreement shall be for the same term as or longer than the term of the first payment agreement. The customer shall be required to pay for current service in addition to the monthly payments under the second payment agreement and may be required to make the first payment up-front as a condition of entering into the second payment agreement. The utility may also require the customer to enter into a level payment plan to pay the current bill. The utility may offer additional payment agreements to the customer.

d. *Refusal by utility.* A customer may offer the utility a proposed payment agreement. If the utility and the customer do not reach an agreement, the utility may refuse the offer orally, but the utility must render a written refusal to the customer, stating the reason for the refusal, within three days of the oral notification. The written refusal shall be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the written refusal shall be considered rendered to the customer when handed to the customer or when delivered to the last-known address of the person responsible for the payment for the service.

A customer may ask the board for assistance in working out a reasonable payment agreement. The request for assistance must be made to the board within ten days after the rendering of the written refusal. During the review of this request, the utility shall not disconnect the service.

20.4(12) *Bill payment terms.* The bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. There shall not be less than 20 days between the rendering of a bill and the date by which the account becomes delinquent. Bills for customers on more frequent billing intervals under subrule 20.3(6) may not be considered delinquent less than 5 days from the date of rendering. However, a late payment charge may not be assessed if payment is received within 20 days of the date the bill is rendered.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 3,000 kWh per month, shall be changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. In no case, however, shall the utility be required to delay the date of delinquency more than 30 days beyond the date of preparation of the previous bill.

b. In any case where net and gross amounts are billed to customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge. This rule does not prohibit cost-justified charges for disconnection and reconnection of service.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall be credited pro rata between the bill for utility services and related taxes.

d. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified that the eligibility has been used. Complete forgiveness prohibits any effect upon the credit rating of the customer or collection of late payment charge.

e. Level payment plan. Utilities shall offer a level payment plan to all residential customers or other customers whose consumption is less than 3,000 kWh per month. A level payment plan should be designed to limit the volatility of a customer's bill and maintain reasonable account balances. The level payment plan shall include at least the following:

(1) Be offered to each eligible customer when the customer initially requests service.

(2) Allow for entry into the level payment plan anytime during the calendar year.

(3) Provide that a customer may request termination of the plan at any time. If the customer's account is in arrears at the time of termination, the balance shall be due and payable at the time of termination. If there is a credit balance, the customer shall be allowed the option of obtaining a refund or applying the credit to future charges. A utility is not required to offer a new level payment plan to a customer for six months after the customer has terminated from a level payment plan.

(4) Use a computation method that produces a reasonable monthly level payment amount, which may take into account forward-looking factors such as fuel price and weather forecasts, and that complies with requirements in 20.4(12)*"e"*(4). The computation method used by the utility shall be described in the utility's tariff and shall be subject to board approval. The utility shall give notice to customers when it changes the type of computation method in the level payment plan.

The amount to be paid at each billing interval by a customer on a level payment plan shall be computed at the time of entry into the plan and shall be recomputed at least annually. The level payment amount may be recomputed monthly, quarterly, when requested by the customer, or whenever price, consumption, or a combination of factors results in a new estimate differing by 10 percent or more from that in use.

When the level payment amount is recomputed, the level payment plan account balance shall be divided by 12, and the resulting amount shall be added to the estimated monthly level payment amount. Except when a utility has a level payment plan that recomputes the level payment amount monthly, the customer shall be given the option of applying any credit to payments of subsequent months' level payment amounts due or of obtaining a refund of any credit in excess of $25.

Except when a utility has a level payment plan that recomputes the level payment amount monthly, the customer shall be notified of the recomputed payment amount not less than one full billing period prior to the date of delinquency for the recomputed payment. The notice may accompany the bill prior to the bill that is affected by the recomputed payment amount.

(5) Irrespective of the account balance, a delinquency in payment shall be subject to the same collection and disconnection procedures as other accounts, with the late payment charge applied to the level payment amount. If the account balance is a credit, the level payment plan may be terminated by the utility after 30 days of delinquency.

20.4(13) *Customer records.* The utility shall retain records as may be necessary to effectuate compliance with 20.4(14) and 20.6(6), but not less than three years. Records for customer shall show where applicable:

a. kWh meter reading

b. kWh consumption

c. kW meter reading

d. kW measured demand

e. kW billing demand

f. Total amount of bill.

20.4(14) *Adjustment of bills.*

a. Meter error. Whenever a meter creeps or whenever a metering installation is found upon any test to have an average error of more than 2.0 percent for watthour metering; or a demand metering error of more than 1.5 percent in addition to the errors allowed under accuracy of demand metering; an adjustment of bills for service for the period of inaccuracy shall be made in the case of overregistration and may be made in the case of underregistration. The amount of the adjustment shall be calculated on the basis that the metering equipment should be 100 percent accurate with respect to the testing equipment used to make the test. For watthour metering installations the average accuracy shall be the arithmetic average of the percent registration at 10 percent of rated test current and at 100 percent of rated test current giving the 100 percent of rated test current registration a weight of four and the 10 percent of rated test current registration a weight of one.

b. Determination of adjustment. Recalculation of bills shall be on the basis of actual monthly consumption except that if service has been measured by self-contained single-phase meters or three-wire network meters and involves no billing other than for kilowatt-hours, the recalculation of bills may be based on the average monthly consumption determined from the most recent 36 months, consumption data.

When the average error cannot be determined by test because of failure of part or all of the metering equipment, it shall be permissible to use the registration of check metering installations, if any, or to estimate the quantity of energy consumed based on available data. The customer must be advised of the failure and of the basis for the estimate of quantity billed. The periods of error shall be used as defined in immediately following subparagraphs (1) and (2).

(1) Overregistration. If the date when overregistration began can be determined, such date shall be the starting point for determination of the amount of the adjustment. If the date when overregistration began cannot be determined, it shall be assumed that the error has existed for the shortest time period calculated as one-half the time since the meter was installed, or one-half the time elapsed since the last meter test unless otherwise ordered by the board.

The overregistration due to creep shall be calculated by timing the rate of creeping and assuming that the creeping affected the registration of the meter for 25 percent of the time since the more recent of either metering installation or last previous test.

(2) Underregistration. If the date when underregistration began can be determined, it shall be the starting point for determination of the amount of the adjustment except that billing adjustment shall be limited to the preceding six months. If the date when underregistration began cannot be determined, it shall be assumed that the error has existed for one-half of the time elapsed since the more recent of either meter installation or the last meter test, except that billing adjustment shall be limited to the preceding six months unless otherwise ordered by the board.

The underregistration due to creep shall be calculated by timing the rate of creeping and assuming that this creeping affected the registration for 25 percent of the time since the more recent of either metering installation or last previous test, except that billing adjustment shall be limited to the preceding six months.

c. Refunds. If the recalculated bills indicate that $5 or more is due an existing customer or $10 or more is due a person no longer a customer of the utility, the tariff shall provide refunding of the full amount of the calculated difference between the amount paid and the recalculated amount. Refunds shall be made to the two most recent customers who received service through the metering installation found to be in error. In the case of a previous customer who is no longer a customer of the utility, a notice of the amount subject to refund shall be mailed to such previous customer at the last-known address, and the utility shall, upon demand made within three months thereafter, refund the same.

Refunds shall be completed within six months following the date of the metering installation test.

d. Back billing. A utility may not back bill due to underregistration unless a minimum back bill amount is specified in its tariff. The minimum amount specified for back billing shall not be less than, but may be greater than, $5 for an existing customer or $10 for a former customer. All recalculations resulting in an amount due equal or greater than the tariff specified minimum shall result in issuance of a back bill.

Back billings shall be rendered no later than six months following the date of the metering installation test.

e. *Overcharges.* When a customer has been overcharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the metering installation or other similar reasons, the amount of the overcharge shall be adjusted, refunded or credited to the customer. The time period for which the utility is required to adjust, refund, or credit the customer's bill shall not exceed five years unless otherwise ordered by the board.

f. *Undercharges.* When a customer has been undercharged as a result of incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter or other similar reasons, the amount of the undercharge may be billed to the customer. The period for which the utility may adjust for the undercharge shall not exceed five years unless otherwise ordered by the board. The maximum back bill shall not exceed the dollar amount equivalent to the tariffed rate for like charges (e.g., usage-based, fixed or service charges) in the 12 months preceding discovery of the error unless otherwise ordered by the board.

g. *Credits and explanations.* Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be separately identified.

20.4(15) *Refusal or disconnection of service.* A utility shall refuse service or disconnect service to a customer, as defined in subrule 20.1(3), in accordance with tariffs that are consistent with these rules.

a. The utility shall give written notice of pending disconnection except as specified in paragraph 20.4(15)*"b."* The notice shall set forth the reason for the notice and the final date by which the account is to be settled or specific action taken. The notice shall be considered rendered to the customer when addressed to the customer's last-known address and deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The date for disconnection of service shall be not less than 12 days after the notice is rendered. The date for disconnection of service for customers on shorter billing intervals under subrule 20.3(6) shall not be less than 24 hours after the notice is posted at the service premises.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for disconnection of service. In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes shall be concurrent.

b. Service may be disconnected without notice:

(1) In the event of a condition on the customer's premises determined by the utility to be hazardous.

(2) In the event of customer use of equipment in a manner which adversely affects the utility's equipment or the utility's service to others.

(3) In the event of tampering with the equipment furnished and owned by the utility. For the purposes of this subrule, a broken or absent meter seal alone shall not constitute tampering.

(4) In the event of unauthorized use.

c. Service may be disconnected or refused after proper notice:

(1) For violation of or noncompliance with the utility's rules on file with the board.

(2) For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way which are specified to be furnished, in the utility's rules filed with the board, as conditions of obtaining service, or for the withdrawal of that same equipment, or for the termination of those same permissions or rights, or for the failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the board.

(3) For failure of the customer to permit the utility reasonable access to the utility's equipment.

d. Service may be refused or disconnected after proper notice for nonpayment of a bill or deposit, except as restricted by subrules 20.4(16) and 20.4(17), provided that the utility has complied with the following provisions when applicable:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal.

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities available. Customers billed more frequently than monthly pursuant to subrule 20.3(6) shall be given posted written notice that they have 24 hours to make settlement of the account to avoid disconnection and a written summary of the rights and responsibilities. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide the representative's name and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) The summary of the rights and responsibilities must be approved by the board. Any utility providing electric service and defined as a public utility in Iowa Code section 476.1 which does not use the standard form set forth below for customers billed monthly shall submit to the board an original and six copies of its proposed form for approval. A utility billing a combination customer for both gas and electric service may modify the standard form to replace each use of the word "electric" with the words "gas and electric" in all instances.

CUSTOMER RIGHTS AND RESPONSIBILITIES TO AVOID SHUTOFF OF ELECTRIC SERVICE FOR NONPAYMENT

1. What can I do if I receive a notice from the utility that says my service will be shut off because I have a past due bill?

a. Pay the bill in full; or

b. Enter into a reasonable payment plan with the utility (see #2 below); or

c. Apply for and become eligible for low-income energy assistance (see #3 below); or

d. Give the utility a written statement from a doctor or public health official stating that shutting off your electric service would pose an especial health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

2. How do I go about making a reasonable payment plan? (Residential customers only)

a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, you may qualify for a second payment agreement under certain conditions.

c. If you do not make the payments you promise, the utility may shut off your utility service on one day's notice unless all the money you owe the utility is paid or you enter into another payment agreement.

3. How do I apply for low-income energy assistance? (Residential customers only)

a. Contact the local community action agency in your area (see attached list); or

b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515)281-0859. To prevent disconnection, you must contact the utility prior to disconnection of your service.

c. To avoid disconnection, you must apply for energy assistance before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

d. Being certified eligible for energy assistance will prevent your service from being disconnected from November 1 through April 1.

4. What if someone living at the residence has a serious health condition? (Residential customers only)

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notifies the utility of the health condition; otherwise, your utility service may be shut off. If the

utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if payment arrangements have not been made.

5. What should I do if I believe my bill is not correct?

You may dispute your utility bill. You must tell the utility that you dispute the bill. You must pay the part of the bill you think is correct. If you do this, the utility will not shut off your service for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Board for assistance in resolving the dispute. (See #9 below.)

6. When can the utility shut off my utility service because I have not paid my bill?

a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.

b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2 above).

d. The utility will not shut off your service if the temperature is forecasted to be 20 degrees Fahrenheit or colder during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the utility cannot shut off your service from November 1 through April 1. However, you will still owe the utility for the service used during this time.

f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

7. How will I be told the utility is going to shut off my service?

a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, your service may be disconnected with only one day's notice.

c. The utility must also try to reach you by telephone or in person before it shuts off your service. From November 1 through April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of your residence to tell you that your utility service will be shut off.

8. If service is shut off, when will it be turned back on?

a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2 above).

b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.

c. The utility may charge you a fee to turn your service back on. Those fees may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

9. Is there any other help available besides my utility?

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll-free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at iubcustomer@iub.state.ia.us. Low-income customers may also be eligible for free legal assistance from Iowa Legal Aid, and may contact Legal Aid at 1-800-532-1275.

(4) If the utility has adopted a service limitation policy pursuant to subrule 20.4(23), the following paragraph shall be appended to the end of the standard form for the summary of rights and remedies, as set forth in subparagraph 20.4(15)*"d"*(3):

Service limitation: We have adopted a policy of service limitation before disconnection. You may be qualified for service limitation rather than disconnection. To see if you qualify, contact our business office.

(5) When disconnecting service to a residence, made a diligent attempt to contact, by telephone or in person, the customer responsible for payment for service to the residence to inform the customer of the pending disconnection and the customer's rights and responsibilities. During the period from November 1 through April 1, if the attempt at customer contact fails, the premises shall be posted at least one day prior to disconnection with a notice informing the customer of the pending disconnection and rights and responsibilities available to avoid disconnection.

If an attempt at personal or telephone contact of a customer occupying a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord shall also be informed of the date when service may be disconnected.

If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons for the disconnection.

(6) Disputed bill. If the customer has received notice of disconnection and has a dispute concerning a bill for electric utility service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid disconnection of service. A utility shall delay disconnection for nonpayment of the disputed bill for up to 45 days after the rendering of the bill if the customer pays the undisputed amount. The 45 days shall be extended by up to 60 days if requested of the utility by the board in the event the customer files a written complaint with the board in compliance with 199—Chapter 6.

(7) Reconnection. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day.

(8) Severe cold weather. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will be 20 degrees Fahrenheit or colder. In any case where the utility has posted a disconnect notice in compliance with subparagraph 20.4(15)*"d"*(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises above 20 degrees Fahrenheit and is forecasted to be above 20 degrees Fahrenheit for at least 24 hours, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of paragraph 20.4(15)*"d."*

(9) Health of a resident. Disconnection of a residential customer shall be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage the person's own resources, to carry out activities of daily living or to be protected from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation.

The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered; a statement that the person is a resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the health danger; and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

Verification shall postpone disconnection for 30 days. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If the customer does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection pursuant to paragraph 20.4(15)*"f."*

(10) Winter energy assistance (November 1 through April 1). If the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date the utility is notified to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program.

e. Abnormal electric consumption. A customer who is subject to disconnection for nonpayment of bill, and who has electric consumption which appears to the customer to be abnormally high, may request the utility to provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. The utility shall provide assistance by discussing patterns of electric usage which may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance which may be available to the customer.

f. A utility may disconnect electric service without the written 12-day notice for failure of the customer to comply with the terms of a payment agreement, except as provided in numbered paragraph 20.4(11)*"c"*(1)"4," provided the utility complies with the provisions of paragraph 20.4(15)*"d."*

g. The utility shall, prior to November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. A utility serving fewer than 6,000 customers may publish the notice in an advertisement in a local newspaper of general circulation or shopper's guide.

h. A utility may disconnect electric service without the written 12-day notice for failure of a residential customer who has had service limited in accordance with subrule 20.4(23) to pay the full amount due for past service or to enter into a reasonable payment agreement, provided that:

(1) The minimum time period, as specified in the utility's tariff, for the service limiter to remain in place prior to initiation of the disconnection procedure has elapsed;

(2) The requirements of paragraph 20.4(15)*"f,"* relating to in-person, telephone or posted notice, have been satisfied;

(3) The requirements of subparagraphs 20.4(15)*"d"*(7) and (8), relating to time and temperature restrictions on disconnection are satisfied, to the extent applicable; and

(4) The requirements of subparagraph 20.4(15)*"d"*(9), relating to health restrictions on disconnection are satisfied, to the extent applicable.

20.4(16) *Insufficient reasons for denying service.* The following shall not constitute sufficient cause for refusal of service to a customer:

a. Delinquency in payment for service by a previous occupant of the premises to be served.

b. Failure to pay for merchandise purchased from the utility.

c. Failure to pay for a different type or class of public utility service.

d. Failure to pay the bill of another customer as guarantor thereof.

e. Failure to pay the back bill rendered in accordance with paragraph 20.4(14)*"d"* (slow meters).

f. Failure to pay a bill rendered in accordance with paragraph 20.4(14)*"f."*

g. Failure of a residential customer to pay a deposit during the period November 1 through April 1 for the location at which the customer has been receiving service.

h. Delinquency in payment for service by an occupant if the customer applying for service is creditworthy and able to satisfy any deposit requirements.

20.4(17) *When disconnection prohibited.* No disconnection may take place from November 1 through April 1 for a resident who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program.

20.4(18) *Estimated demand.* Upon request of the customer and provided the customer's demand is estimated for billing purposes, the utility shall measure the demand during the customer's normal operation and use the measured demand for billing.

20.4(19) *Servicing utilization control equipment.* Each utility shall service and maintain any equipment it uses on customer's premises and shall correctly set and keep in proper adjustment any thermostats, clocks, relays, time switches or other devices which control the customer's service in accordance with the provisions in the utility's rate schedules.

20.4(20) *Customer complaints.* Complaints concerning the charges, practices, facilities or service of the utility shall be investigated promptly and thoroughly. The utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

a. Each utility shall provide in its filed tariff a concise, fully informative procedure for the resolution of customer complaints.

b. The utility shall take reasonable steps to ensure that customers unable to travel shall not be denied the right to be heard.

c. The final step in a complaint hearing and review procedure shall be a filing for board resolution of the issues.

20.4(21) *Temporary service.* When the utility renders temporary service to a customer it may require that the customer bear all of the cost of installing and removing the service facilities in excess of any salvage realized.

20.4(22) *Change in type of service.* If a change in the type of service, such as from 25- to 60-cycle or from direct or alternating current, or a change in voltage to a customer's substation, is effected at the insistence of the utility and not solely by reason of increase in the customer's load or change in the character thereof, the utility shall share equitably in the cost of changing the equipment of the customer affected as determined by the board in the absence of agreement between utility and customer. In general, the customer should be protected against or reimbursed for the following losses and expenses to an appropriate degree:

a. Loss of value in electrical power utilization equipment.

b. Cost of changes in wiring, and

c. Cost of removing old and installing new utilization equipment.

20.4(23) *Limitation of service.* The utility shall have the option of adopting a policy for limiting the service of a residential customer for nonpayment of a bill or deposit, or for noncompliance with the terms of a payment agreement, as a measure to be taken prior to disconnection of the customer. Electric-heating residential customers shall not have limited service between November 1 and April 1. For purposes of this rule, "electric-heating" shall mean heating by means of a fixed-installation electric appliance which serves as the primary heat source.

A service limitation policy, if adopted by the utility, shall be set forth in the utility's tariff and shall specify some minimum time period for the service limiter to remain in place prior to the initiation of the disconnection procedure set forth in 20.4(15)*"h."* A service limitation policy, if adopted by the utility, shall be applied uniformly to all of the utility's residential customers, as specified above, to the extent that adaptation of service limiters to customer meters is feasible, and to the extent that customer meters are readily accessible to those installing the service limiters and to the customers. Any other exceptions to uniform application of this policy must be on the basis of rational, specific criteria set forth in the utility's tariff receiving prior approval by the board.

Notice of a pending service limitation shall be rendered, and electric service limited, as set forth in the tariff.

Upon installing a service limiter, the utility shall post the premises with a notice informing the occupant of the installation of the service limiter, its purpose, how it operates, and how it can be reset by the occupant.

The notice of pending service limitation required by these rules shall satisfy the requirements of subrule 20.4(15), substituting "service limitation" for "disconnection" or "refusal or disconnection of service" throughout the rule.

Service may be limited for nonpayment of bill or deposit, except as restricted by subrule 20.4(16), relating to insufficient reasons for denying service, provided that the utility has satisfied the requirements of 20.4(15)*"d,"* excluding the portion of subparagraph (4) "special circumstances" relating to same-day reconnection, and substituting "service limitation" for "disconnection" (and all other forms of that term) throughout that subrule. An installed service limiter shall be removed no later than the next working day after the residential customer has paid the delinquent bill or deposit in full or has entered into a reasonable payment agreement with the utility.

Service may be limited without the written 12-day notice for failure of the customer to comply with the terms of a payment agreement, provided that the requirements of 20.4(15)*"f"* have been satisfied, excluding the portion of subparagraph (2) relating to same-day reconnection, and substituting "service limitation" for "disconnection" (and all other forms of that term) throughout that subrule.

These rules are intended to implement Iowa Code sections 476.6, 476.8, 476.20 and 476.54.

199—20.5(476) Engineering practice.

20.5(1) *Requirement for good engineering practice.* The electric plant of the utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice in the electric industry to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

20.5(2) *Standards incorporated by reference.* The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

a. Iowa Electrical Safety Code, as defined in IAC [199], Chapter 25.

b. National Electrical Code, ANSI/NFPA 70-2005.

c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-1981 (R1999); and C57.13.3-1983 (R1991).

d. American National Standard For Electric Power Systems and Equipment Voltage Ratings (60Hertz), ANSI C84.1-2006.

e. Grounding of Industrial and Commercial Power Systems, IEEE 142-1991.

f. IEEE Standard 1159-1995, IEEE Recommended Practice for Monitoring Electric Power Quality or any successor standard.

g. IEEE Standard 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems or its successor standard.

h. At railroad crossings, 199 IAC 42.6(476), "Engineering standards for electric and communications lines."

20.5(3) *Adequacy of supply and reliability of service.* The generating capacity of the utility's plant, supplemented by the electric power regularly available from other sources, must be sufficiently large to meet all normal demands for service and provide a reasonable reserve for emergencies.

In appraising adequacy of supply the board will segregate electric utilities into two classes viz., those having high capacity transmission interconnections with other electrical utilities and those which lack such interconnection and are therefore completely dependent upon the firm generating capacity of the utility's own generating facilities.

a. In the case of utilities having interconnecting ties with other utilities, the board will, upon appraising adequacy of supply, take appropriate notice of the utility's recent past record, as of the date of appraisal, of any widespread service interruptions and any capacity shortages along with the consideration of the supply regularly available from other sources, the normal demands, and the required reserve for emergencies.

b. In the case of noninterconnected utilities the board will give attention to the maximum total coincident customer demand which could be satisfied without the use of the single element of plant equipment, the disability of which would produce the greatest reduction in total net plant productive capacity and also give attention to the normal demands for service and to the reasonable reserve for emergencies.

20.5(4) *Electric transmission and distribution facilities.* Rescinded IAB 11/13/02, effective 12/18/02.

20.5(5) *Inspection of electric plant.* Each utility shall adopt a written program for inspection of its electric plant in order to determine the necessity for replacement and repair in compliance with board rule 199—25.3(476,478).

This rule is intended to implement Iowa Code section 476.8 and 478.18.

199—20.6(476) Metering.

20.6(1) *Inspection and testing program.* Each utility shall adopt a written program for the inspection and testing of its meters to determine the necessity for adjustment, replacement or repair. The frequency of inspection and methods of testing shall be based on the utility's experience, manufacturer's recommendations, and accepted good practice. The publications listed in 20.6(3) are representative of accepted good practice. Each utility shall maintain inspecting and testing records for each meter and associated device until three years after its retirement.

20.6(2) *Program content.* The written program shall, at minimum, address the following subject areas:

a. Classification of meters by capacity, type, and any other factor considered pertinent.

b. Checking of new meters for acceptable accuracy before being placed in service.

c. Testing of in-service meters, including any associated instruments or corrective devices, for accuracy, adjustments or repairs. This may be accomplished by periodic tests at specified intervals or on the basis of a statistical sampling plan, but shall include meters removed from service for any reason.

d. Periodic calibration or testing of devices or instruments used by the utility to test meters.

e. The limits of meter accuracy considered acceptable by the utility.

f. The nature of meter and meter test records which will be maintained by the utility.

20.6(3) *Accepted good practice.* The following publications are considered to be representative of accepted good practice in matters of metering and meter testing:

a. American National Standard Code for Electricity Metering, ANSI C12.1-2001.

b. and *c.* Rescinded IAB 5/23/07, effective 6/27/07.

20.6(4) *Meter adjustment.* All meters and associated metering devices shall, when tested, be adjusted as closely as practicable to the condition of zero error.

20.6(5) *Request tests.* Upon request by a customer, a utility shall test the meter servicing that customer. A test need not be made more frequently than once in 18 months.

A written report of the test results shall be mailed to the customer within ten days of the completed test and a record of each test shall be kept on file at the utility's office. The utility shall give the customer or a representative of the customer the opportunity to be present while the test is conducted.

If the test finds the meter is accurate within the limits accepted by the utility in its meter inspection and testing program, the utility may charge the customer $25 or the cost of conducting the test, whichever is less. The customer shall be advised of any potential charge before the meter is removed for testing.

20.6(6) *Referee tests.* Upon written request by a customer or utility, the board will conduct a referee test of a meter. A test need not be made more frequently than once in 18 months. The customer request shall be accompanied by a $30 deposit in the form of a check or money order made payable to the utility.

Within five days of receipt of the written request and payment, the board shall forward the deposit to the utility and notify the utility of the requirement for a test. The utility shall, within 30 days after notification of the request, schedule the date, time and place of the test with the board and customer. The meter shall not be removed or adjusted before the test. The utility shall furnish all testing equipment and facilities for the test. If the tested meter is found to be more than 2 percent fast or 2 percent slow, the deposit will be returned to the party requesting the test and billing adjustments shall be made as required

in 20.4(14). The board shall issue its report within 15 days after the test is conducted, with a copy to the customer and the utility.

20.6(7) *Condition of meter.* No meter that is known to be mechanically or electrically defective, or to have incorrect constants, or that has not been tested and adjusted if necessary in accordance with these rules shall be installed or continued in service. The capacity of the meter and the index mechanism shall be consistent with the electricity requirements of the customer.

199—20.7(476) Standards of quality of service.

20.7(1) Standard frequency. The standard frequency for alternating current distribution systems shall be 60 cycles per second. The frequency shall be maintained within limits which will permit the satisfactory operation of customer's clocks connected to the system.

20.7(2) Voltage limits retail. Each utility supplying electric service to ultimate customers shall provide service voltages in conformance with the standard at 20.5(2)*"d."*

20.7(3) Voltage balance. Where three-phase service is provided the utility shall exercise reasonable care to assure that the phase voltages are in balance. In no case shall the ratio of maximum voltage deviation from average to average voltage exceed .02.

20.7(4) Voltage limits, service for resale. The nominal voltage shall be as mutually agreed upon by the parties concerned. The allowable variation shall not exceed 7.5 percent above or below the agreed-upon nominal voltage without the express approval of the board.

20.7(5) Exceptions to voltage requirements. Voltage outside the limits specified will not be considered a violation when the variations:

a. Arise from the action of the elements.

b. Are infrequent fluctuations not exceeding five minutes, duration.

c. Arise from service interruptions.

d. Arise from temporary separation of parts of the system from the main system.

e. Are from causes beyond the control of the utility.

f. Do not exceed 10 percent above or below the standard nominal voltage, and service is at a distribution line or transmission line voltage with the retail customer providing voltage regulators.

20.7(6) Voltage surveys and records. Voltage measurements shall be made at the customer's entrance terminals. For single-phase service the measurement shall be made between the grounded conductor and the ungrounded conductors. For three-phase service the measurement shall be made between the phase wires.

20.7(7) Each utility shall make a sufficient number of voltage measurements, using recording voltmeters, in order to determine if voltages are in compliance with the requirements as stated in 20.7(2), 20.7(3), 20.7(4). All voltmeter records obtained under 20.7(7) shall be retained by the utility for at least two years and shall be available for inspection by the board's representatives. Notations on each chart shall indicate the following:

a. The location where the voltage was taken.

b. The time and date of the test.

c. The results of the comparison with a working standard indicating voltmeter.

20.7(8) Equipment for voltage measurements.

a. *Secondary standard indicating voltmeter.* Each utility shall have available at least one indicating voltmeter maintained with error no greater than 0.25 percent of full scale.

b. *Working standard indicating voltmeters.* Each utility shall have at least two indicating voltmeters maintained so as to have as-left errors of no greater than 1 percent of full scale.

c. *Recording voltmeters.* Each utility must have readily available at least two portable recording voltmeters with a rated accuracy of 1 percent of full scale.

20.7(9) Rescinded IAB 12/11/91, effective 1/15/92.

20.7(10) Extreme care must be exercised in the handling of standards and instruments to assure that their accuracy is not disturbed. Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

20.7(11) Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers, and interruptions planned for longer than one hour shall be preceded by adequate notice to those who will be affected.

20.7(12) Power quality monitoring. Each utility shall investigate power quality complaints from its customers and determine if the cause of the problem is on the utility's systems. In addressing these problems, each utility shall implement to the extent reasonably practical the practices outlined in the standard given at 20.5(2)*"f."*

20.7(13) Harmonics. A harmonic is a sinusoidal component of the 60 cycles per second fundamental wave having a frequency that is an integral multiple of the fundamental frequency. When excessive harmonics problems arise, each electric utility shall investigate and take actions to rectify the problem. In addressing harmonics problems, the utility and the customer shall implement to the extent practicable and in conformance with prudent operation the practices outlined in the standard at 20.5(2)*"g."*

This rule is intended to implement Iowa Code sections 476.2 and 476.8.

199—20.8(476) Safety.

20.8(1) *Protective measures.* Each utility shall exercise reasonable care to reduce those hazards inherent in connection with its utility service and to which its employees, its customers, and the general public may be subjected and shall adopt and execute a safety program designed to protect the public and fitted to the size and type of its operations.

20.8(2) *Accident investigation and prevention.* The utility shall give reasonable assistance to the board in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

20.8(3) *Reportable accidents.* Each utility shall maintain a summary of all reportable accidents, as defined in 199—25.5(476,478), arising from its operations.

20.8(4) *Grounding of secondary distribution system.* Unless otherwise specified by the board, each utility shall comply with, and shall encourage its customers to comply with, the applicable provisions of the acceptable standards listed in 20.5(2) for the grounding of secondary circuits and equipment.

Ground connections should be tested for resistance at the time of installation. The utility shall keep a record of all ground resistance measurements.

The utility shall establish a program of inspection so that all artificial grounds installed by it shall be inspected within reasonable periods of time.

199—20.9(476) Electric energy sliding scale or automatic adjustment. A rate-regulated utility's sliding scale or automatic adjustment of the unit charge for electric energy shall be an energy clause.

20.9(1) *Applicability.* A rate-regulated utility's sliding scale or automatic adjustment of electric utility energy rates shall recover from consumers only those costs which:

Are incurred in supplying energy;

Are beyond direct control of management;

Are subject to sudden important change in level;

Are an important factor in determining the total cost to serve; and

Are readily, precisely, and continuously segregated in the accounts of the utility.

20.9(2) *Energy clause for rate-regulated utility.* Prior to each billing cycle, a rate-regulated utility shall determine and file for board approval the adjustment amount to be charged for each energy unit consumed under rates set by the board. The filing shall include all journal entries, invoices (except invoices for fuel, freight, and transportation), worksheets, and detailed supporting data used to determine the amount of the adjustment. The estimated amount of fossil fuel should be detailed to reflect the amount of fuel, transportation, and other costs.

The journal entries should reflect the following breakdown for each type of fuel: actual cost of fuel, transportation, and other costs. Items identified as other costs should be described and their inclusion as fuel costs should be justified. The utility shall also file detailed supporting data:

1. To show the actual amount of sales of energy by month for which an adjustment was utilized, and

2. To support the energy cost adjustment balance utilized in the monthly energy adjustment clause filings.

a. The energy adjustment shall provide for change of the price per kilowatt hour consumed under rates set by the board based upon the formulas provided below. The calculation shall be:

$$E_0 = \frac{EC_0 + EC_1}{EQ_0 + EQ_1} + \frac{A_1}{EJ_0 + EJ_1} - B$$

E_0 is the energy adjustment charge to be used in the next customer billing cycle rounded on a consistent basis to either the nearest 0.01¢/kWh or 0.001¢/kWh. For deliveries at voltages higher than secondary line voltages, appropriate factors should be applied to the adjustment charge to recognize the lower losses associated with these deliveries.

EC_0 is the estimated expense for energy in the month during which E_0 will be used.

EC_1 is the estimated expense for energy in the month prior to the month of EC_0.

EQ_0 is the estimated electric energy to be consumed or delivered and entered in accounts 440, 442, 444-7, excluding energy from distinct interchange deliveries entered into account 447 and including intrautility energy service as included in accounts 448 and 929 of the Uniform System of Accounts during the month in which E_0 will be used.

EQ_1 is the estimated electric energy to be consumed or delivered and entered in accounts 440, 442, 444-7, excluding energy from distinct interchange deliveries entered in account 447 and including intrautility energy service as included in accounts 448 and 929 of the Uniform System of Accounts during the month prior to EQ_0.

EJ_0 is the estimated electric energy to be consumed under rates set by the board in the month during which the energy adjustment charge (E_0) will be used in bill calculations.

EJ_1 is the estimated electric energy to be consumed under rates set by the board in the month prior to the month of EJ_0.

A_1 is the beginning of the month energy cost adjustment account balance for the month of estimated consumption EJ_1. This would be the most recent month's balance available from actual accounting data.

B is the amount of the electric energy cost included in the base rates of a utility's rate schedules.

b. The estimated energy cost ($EC_0 + EC_1$) shall be the estimated cost associated with EQ_0 and EQ_1 determined as the cost of:

(1) Fossil and nuclear fuel consumed in the utility's own plants and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants. Fossil fuel shall include natural gas used for electric generation and the cost of fossil fuel transferred from account 151 to account 501 or 547 of the Uniform System of Accounts for Electric Utilities. Nuclear fuel shall be that shown in account 518 of the Uniform System of Accounts except that if account 518 contains any expense for fossil fuel which has already been included in the cost of fossil fuel, it shall be deducted from the account. (Paragraph C of account 518 includes the cost of other fuels used for ancillary steam facilities.)

(2) The cost of steam purchased, or transferred from another department of the utility or from others under a joint facility operating agreement, for use in prime movers producing electric energy (accounts 503 and 521).

(3) A deduction shall be made of the expenses of producing steam chargeable to others, to other utility departments under a joint operating agreement, or to other electric accounts outside the steam generation group of accounts (accounts 504 and 522).

(4) The cost of water used for hydraulic power generation. Water cost shall be limited to items of account 536 of the Uniform System of Accounts. For pumped storage projects the energy cost of pumping is included. Pumping energy cost shall be determined from the applicable costs of subparagraphs of paragraph 20.9(2)*"b."*

(5) The energy costs paid for energy purchased under arrangements or contracts for firm power, operational control energy, outage energy, participation power, peaking power, and economy energy, as

entered into account 555 of the Uniform System of Accounts, less the energy revenues to be recovered from corresponding sales, as entered in account 447 of the Uniform System of Accounts.

(6) Purchases from AEP facilities under rule 199—15.11(476).

(7) The weighted average costs of inventoried allowances used in generating electricity.

(8) The gains and losses, as described in subrule 20.17(9), from allowance transactions occurring during the month. Allowance transactions shall include vintage trades and emission for emission trades.

(9) Eligible costs or credits associated with the utility's annual reconciliation of its alternate energy purchase program under 199—paragraph 15.17(4)*"b."*

c. The energy cost adjustment account balance (A) shall be the cumulative balance of any excess or deficiency which arises out of the difference between board recognized energy cost recovery and the amount recovered through application of energy charges to consumption under rates set by the board. Each monthly entry (D) into the energy cost adjustment account shall be the dollar amount determined from solution of the following equation (with proper adjustment for those deliveries at high voltage which for billing purposes recognized the lower losses associated with the high voltage deliveries).

$$D = \left[C_2 \times \frac{J_2}{Q_2} \right] - \left[J_2 \times (E_2 + B) \right]$$

C_2 is the actual expense for energy, calculated as set forth in 20.9(2)*"b,"* in the month prior to EJ_1 of 20.9(2)*"a."*

J_2 is the actual energy consumed in the prior month under rates set by the board and recorded in accounts 440, 442 and 444-6 of the Uniform System of Accounts.

Q_2 is the actual total energy consumed or delivered in the prior month and recorded in accounts 440, 442, 444-7, excluding energy from distinct interchange deliveries entered in account 447, and including intrautility energy service as included in accounts 448 and 929 of the Uniform System of Accounts.

E_2 is the energy adjustment charge used for billing in the prior month.

B is the amount of the electric energy cost included in the base rates of a utility's rate schedules.

d. Reserve account for nuclear generation. A rate-regulated utility owning nuclear generation or purchasing energy under a participation power agreement on nuclear generation may establish a reserve account. The reserve account will spread the higher cost of energy used to replace that normally received from nuclear sources. A surcharge would be added to each kilowatt hour from the nuclear source. The surcharges collected are credited to the reserve account. During an outage or reduced level of operation, replacement energy cost would be offset through debit to the reserve account. The debit would be based upon the cost differential between replacement energy cost and the average cost (including the surcharge) of energy from the nuclear capacity. A reserve account shall have credit and debit limitations equal in dollar amounts to the total cost differential for replacement energy during a normal refueling outage.

e. A rate-regulated utility desiring to collect expensed allowance costs and the gains and losses from allowance transactions through the energy adjustment must file with the board monthly reports including:

(1) The number and weighted average unit cost of allowances used during the month to offset emissions from the utility's affected units;

(2) The number and unit price of allowances purchased during the month;

(3) The number and unit price of allowances sold during the month;

(4) The weighted average unit cost of allowances remaining in inventory;

(5) The dollar amount of any gain from an allowance sale occurring during the month;

(6) The dollar amount of any loss from an allowance sale occurring during the month; and

(7) Documentation of any gain or loss from an allowance sale occurring during the month.

f. A rate-regulated utility which proposes a new sliding scale or automatic adjustment clause of electric utility energy rates shall conform such clause with the rules.

20.9(3) *Optional energy clause for a rate-regulated utility which does not own generation.* A rate-regulated utility which does not own generation may adopt the energy adjustment clause of this subrule in lieu of that set forth in subrule 20.9(2). Prior to each billing cycle it shall determine and

file for board approval the adjustment amount to be charged for each energy unit consumed under rates set by the board. The filing shall include all journal entries, invoices (except invoices for fuel, freight, and transportation), worksheets, and detailed supporting data used to determine the amount of the adjustment. The estimated amount of fossil fuel should be detailed to reflect the amount of fuel, transportation, and other costs.

The journal entries should reflect the following breakdown for each type of fuel: actual cost of fuel, transportation, and other costs. Items identified as other costs should be described and their inclusion as fuel costs should be justified. The utility shall also file detailed supporting data:

1. To show the actual amount of sales of energy by month for which an adjustment was utilized, and

2. To support the energy cost adjustment balance utilized in the monthly energy adjustment clause filings.

a. The energy adjustment charge shall provide for change of the price per kilowatt-hour consumed to equal the average cost per kilowatt hour delivered by the utility's system. The calculation shall be:

$$E_0 = \frac{C_2 + C_3 + C_4}{Q_2 + Q_3 + Q_4} - B$$

E_0 is the energy adjustment charge to be used in the next customer billing cycle rounded on a consistent basis to either the nearest 0.01¢/kWh or 0.001¢/kWh. For deliveries at voltages higher than secondary line voltages, appropriate factors should be applied to the adjustment charge to recognize the lower losses associated with these deliveries.

C_2, C_3 and C_4 are the charges by the wholesale suppliers as recorded in account 555 offset by energy revenues from distinct interchange deliveries entered in account 447 of the Uniform System of Accounts for the first three of the four months prior to the month in which E_0 will be used.

Q_2, Q_3 and Q_4 are the total electric energy delivered by the utility system, excluding energy from distinct interchange deliveries entered in account 447 during each of the months in which the expenses C_2, C_3 and C_4 were incurred.

B is the amount of the electric energy cost included in the base rates of a utility's rate schedules.

b. A utility purchasing its total electric energy requirements may establish an energy cost adjustment account for which the cumulative balance is the excess or deficiency arising from the difference between commission-recognized energy cost recovery and the amount recovered through application of energy charges on jurisdictional consumption.

For a utility electing to use an energy cost adjustment account the calculation shall be:

$$E_0 = \frac{C_2 + C_3 + C_4}{Q_2 + Q_3 + Q_4} + \frac{A_2}{J_2 + J_3 + J_4} - B$$

E_0 is the energy adjustment charge to be used in the next customer billing cycle rounded on a consistent basis to either the nearest 0.01¢/kWh or 0.001¢/kWh. For deliveries at voltages higher than secondary line voltages, appropriate factors should be applied to the adjustment charge to recognize the lower losses associated with these deliveries.

C_2, C_3 and C_4 are the charges by the wholesale suppliers as recorded in account 555 offset by energy revenues from distinct interchange deliveries entered in account 447 of the Uniform System of Accounts for the first three of the four months prior to the month in which E_0 will be used.

Q_2, Q_3 and Q_4 are the total electric energy delivered by the utility system, excluding energy from distinct interchange deliveries entered in account 447 during each of the months in which the expenses C_2, C_3 and C_4 were incurred.

A_2 is the end of the month energy cost adjustment account balance for the month of consumption J_2. This would be the most recent month's balance available from actual accounting data.

J_2, J_3 and J_4 are electric energy consumed under rates set by the board in the months corresponding to C_2, C_3 and C_4.

B is the amount of the electric energy cost included in the base rates of a utility's rate schedules.

c. The end of the month energy cost adjustment account balance (A) shall be the cumulative balance of any excess or deficiency which arises out of the difference between board recognized energy cost recovery and the amount recovered through application of energy charges to consumption under rates set by the board.

Each monthly entry (D) into the energy cost adjustment account shall be the dollar amount determined from solution of the following equation (with proper adjustment for those deliveries at high voltage which for billing purposes recognized the lower losses associated with the high voltage deliveries).

$$D = \left[C_2 \times \frac{J_2}{Q_2} \right] - \left[J_2 \times (E_2 + B) \right]$$

C_2 is the prior month charges by the wholesale suppliers as recorded in account 555 of the Uniform System of Accounts offset by energy revenues from distinct interchange deliveries entered in account 447.

J_2 is the electric energy consumed under jurisdictional rates in the prior month.

Q_2 is the electric energy delivered by the utility system, excluding energy from distinct interchange deliveries entered in account 447 in the prior month.

E_2 is the energy adjustment charge used for billing in the prior month.

B is the amount of the electric energy cost included in the base rates of a utility's rate schedules.

d. A utility with special conditions may petition the board for a waiver which would recognize its unique circumstances.

e. A utility which does not own generation and proposes a new sliding scale or automatic adjustment clause of electric utility rates shall conform such clause with the rules.

20.9(4) *Annual review of energy clause.* On or before each May 1, the board will notify each utility as to the two months of the previous calendar year for which fuel, freight, and transportation invoices will be required. Two copies of these invoices shall be filed with the board no later than the subsequent November 1.

This rule is intended to implement Iowa Code section 476.6(11).

199—20.10(476) Ratemaking standards.

20.10(1) *Coverage.* Standards for ratemaking shall apply to all rate-regulated utilities in the state of Iowa. The board may, by rule or by order in specific cases, exempt a utility or class of utilities from any or all ratemaking standards. The standards are recommended to all service-regulated utilities in this jurisdiction.

20.10(2) *Cost of service.* Rates charged by an electric utility for providing electric service to each class of electric consumers shall be designed, to the maximum extent practicable, to reasonably reflect the costs of providing electric service to the class. The methods used to determine class costs of service shall to the maximum extent practical permit identification of differences in cost-incurrence, for each class of electric consumers, attributable to daily and seasonal time of use of service, and permit identification of differences in cost-incurrence attributable to differences in demand, energy, and customer components of cost.

The design of rates should reasonably approximate a pricing methodology for any individual utility that would reflect the price system that would exist in a competitive market environment. For purposes of determining revenue requirements among customer classes, embedded costs shall be preferred. For purposes of determining rate designs within customer classes, long-run marginal cost approaches are preferred although embedded cost approaches may be considered reasonable.

Nothing in this rule shall authorize or require the recovery by an electric utility of revenues in excess of, or less than, the amount of revenues otherwise determined to be lawful by the board.

Guidelines for use in evaluating the acceptability of methods of class cost of service estimation include, but are not limited to, the following:

a. All usage of customer, demand, and energy components of service shall be considered new usage.

b. Customer classes shall be established on the primary basis of reasonably similar usage patterns within classes, even if this requires disaggregation or recombination of traditional customer classes.

c. Generating capacity estimates or allocations among and within classes shall recognize that utility systems are designed to serve both peak and off-peak demand, and shall attribute costs based upon both peak period demand and the contribution of off-peak period demand in determining generation mix. Generating capacity estimates and allocations among and within classes shall be based on load data for each class as described in 199—subrule 35.9(2).

d. Transmission and distribution capacity estimates or allocations among and within classes shall be demand-related based upon system usage patterns, and the load imposed by a class on the transmission or distribution capacity in question.

e. Customer cost component estimates or allocations shall include only costs of the distribution system from and including transformers, meters and associated customer service expenses.

f. Methods of cost estimates or allocations among customer classes shall recognize the differences in voltage levels and other service characteristics, and line losses among customer classes.

g. Methods of class cost of service determination which are consistent with zero customer, demand, or energy component costs or major categories of these, such as generation, transmission or distribution, shall be considered unacceptable methods.

h. Long-run marginal cost methods of class cost of service determination shall clearly reflect changes in total costs to the utility with respect to changes in the outputs of customer, demand, or energy components of electric services.

i. The use of an inverse elasticity approach to adjust long-run marginal cost-based rates to the revenue requirement shall be unacceptable. Other approaches will be considered on a case-by-case basis.

20.10(3) *Declining block rates.* The energy-related cost component of a rate, or the amount attributable to the energy-related cost component of a rate, charged by an electric utility for providing electric service during any period to any class of electric consumers, shall not decrease as kilowatt-hour consumption by such class increases during the period except to the extent that the utility demonstrates that the energy costs of providing electric service to such class decrease as consumption increases during the period.

20.10(4) *Time-of-day rates.* The rates charged by any electric utility for providing electric service to each class of electric consumers shall be on a time-of-day basis which reflects the cost of providing electric service to that class of electric consumers at different times of the day unless such rates are not cost-effective with respect to the class. These rates are cost-effective with respect to a class if the long-run benefits of the rate to the electric utility and its electric consumers in the class concerned are likely to exceed the metering costs and other costs associated with the use of the rates. Cost-based time-of-day rates shall be offered on an optional basis to electric consumers who do not otherwise qualify for the rates if consumers agree to pay the additional metering costs and other costs associated with the use of the rates.

20.10(5) *Seasonal rates.* The rates charged by an electric utility for providing electric service to each class of electric consumers may be on a seasonal basis which reflects the costs of providing service to the class of consumers at different seasons of the year to the extent that costs vary seasonally for the utility, if the board determines that seasonal rates are appropriate in an individual case.

20.10(6) *Interruptible rates.* Each electric utility shall offer each industrial and commercial electric consumer an interruptible rate which reflects the cost of providing interruptible service to the class of which the consumer is a member.

20.10(7) *Load management techniques.* Rescinded IAB 11/12/03, effective 12/17/03.

20.10(8) *Other energy conservation strategies.* Rescinded IAB 11/12/03, effective 12/17/03.

20.10(9) *Pilot projects.* Rescinded IAB 11/12/03, effective 12/17/03.

199—20.11(476) Customer notification of peaks in electric energy demand. Each electric utility shall inform its customers of the significance of reductions in consumption of electricity during hours of peak demand.

20.11(1) *Annual notice.* Each electric utility shall provide its customers, on an annual basis, with a written notice explaining how growth in demand affects a utility's investment costs and why reduction of customer usage during periods of peak demand may help delay or reduce the amount of future rate increases. The notice shall be delivered to its customers between May 1 and June 15 of each year if peak demand is likely to occur during the months of June through September. If peak demand usually occurs during the months of October through February, the notice shall be delivered to its customers between August 1 and September 15.

20.11(2) *Notification plan.* Each investor-owned utility shall have on file with the board a plan to notify its customers of an approaching peak demand on the day when peak demand is likely to occur.

a. The plan shall include the following:

(1) A provision for a general notice to be given customers prior to the time when peak demand is likely to occur as prescribed in 20.11(2)*"b"* and an explanation of when and how notice of an approaching peak in electric demand will be given to customers.

(2) A provision for direct notice to be given customers whose load reduction will have a significant impact on the utility's peak. The utility shall provide for such notice to be given prior to the time when peak demand is likely to occur, as prescribed in 20.11(2)*"b,"* and shall explain the criteria used to identify customers to whom notice will be given and when and how notice will be given.

(3) A statement showing the total costs, with each component thereof itemized, projected to be associated with implementing the plan. Notice should be provided in the most efficient manner available. The board may reject a plan which includes excessive costs or which specifies an ineffective method of customer notification and may direct development of a new plan.

(4) The text of the general and direct message to be given in the general notice to customers. The message shall, at a minimum, include the name of the utility or utilities providing the notice, an explanation that conditions exist which indicate a peak in demand is approaching, and a statement that reduction in usage of electricity during the period of peak demand will ease the burden placed on the utility's system by growth in peak demand and may help delay or reduce the amount of future rate increases.

(5) A designation of the U.S. weather station(s), situated within the utility's service territory, whose temperature readings and predictions will be used by the utility in applying the standard in 20.11(2)*"b."*

(6) A provision for joint delivery, by two or more utilities, of the general notice to customers in regions of the state where U.S. weather station(s) predict conditions specified in 20.11(2)*"b"* will exist on the same day.

b. For purposes of this rule, peak demand is likely to occur on a nonholiday weekday between June 15 and September 15 when the following conditions exist:

(1) The utility's designated weather station predicts the temperature will rise above 95° Fahrenheit (35° Celsius), and the designated weather station officially recorded a temperature above 95° Fahrenheit (35° Celsius) on the previous day, or

(2) The utility's designated weather station predicts the temperature will rise to above 90° Fahrenheit (33° Celsius) on a day following at least two consecutive days of temperatures above 95° Fahrenheit (35° Celsius), as officially recorded by the designated weather station, but

(3) If a utility can demonstrate it would have been required to provide between June 15 and September 15 a peak alert notice to customers, because of the existence of the conditions set forth in 20.11(2)*"b"*(1) or 20.11(2)*"b"*(2), on more than six days in any one of the preceding ten years, the utility may substitute a 97° Fahrenheit (36° Celsius) standard in lieu of the 95° Fahrenheit (35° Celsius) standard in the subrule.

20.11(3) *Implementation of notification plan.* The utility shall implement the approved plan on each day of the year when peak demand is likely to occur, as prescribed by 20.11(2)*"b."*

20.11(4) *Permissive notices.* The standard for implementing peak alert notification in subrule 20.11(2) is a minimum standard and does not prohibit a utility or association of utilities from issuing a notice requesting customers to reduce usage at any other time.

20.11(5) *Annual report.* Each electric utility required by subrule 20.11(2) to file a plan for customer notification shall file, on or before April 1 of each year, a report stating the number of notices given its customers, the dates when notices were issued, the annual cost of providing both general and direct notice to customers and measures of kilowatt hour demand at the time when notice was given and at hourly intervals thereafter until kilowatt hour demand decreases to the level at which it was measured when the notice was issued. The annual report shall also include a statement of any problems experienced by the utility in providing customer notification of a peak demand and a proposal to modify the plan, if necessary, to make customer notification more effective. Modifications must be approved by the board before they are implemented.

199—20.12(476) New structure energy conservation standards. Rescinded IAB 11/12/03, effective 12/17/03.

199—20.13(476) Periodic electric energy supply and cost review [476.6(16)].

20.13(1) *Procurement plan.* The board shall periodically conduct a contested case proceeding for the purpose of evaluating the reasonableness and prudence of a rate-regulated public utility's electric fuel procurement and contracting practices. By January 31 each year the board will notify a rate-regulated utility if the utility will be required to file an electric fuel procurement plan. In the years in which it does not conduct a contested case proceeding, the board may require a utility to file certain information for the board's review. In years in which a full proceeding is conducted, a rate-regulated utility providing electric service in Iowa shall prepare and file with the board on or before May 15 of each required filing year a complete electric fuel procurement plan for an annual period commencing June 1 or, in the alternative, for the annual period used by the utility in preparing its own fuel procurement plan. A utility's procurement plan shall be organized to include information as follows:

a. *Index.* The plan shall include an index of all documents and information required to be filed in the plan, and the identification of the board files in which the documents incorporated by reference are located.

b. *Purchase contracts and arrangements.* A utility's procurement plan shall include detailed summaries of the following types of contracts and agreements executed since the last procurement review:

(1) All contracts and fuel supply arrangements for obtaining fuel for use by any unit in generation;

(2) All contracts and arrangements for transporting fuel from point of production to the site where placed in inventory, including any unit generating electricity for the utility;

(3) All contracts and arrangements for purchasing or selling allowances;

(4) Purchased power contracts or arrangements, including sale-of-capacity contracts, involving over 25 MW of capacity;

(5) Pool interchange agreements;

(6) Multiutility transmission line interchange agreements; and

(7) Interchange agreements between investor-owned utilities, generation and transmission cooperatives, or both, not required to be filed above, which were entered into or in effect since the last filing, and all such contracts or arrangements which will be entered into or exercised by the utility during the prospective 12-month period.

All procurement plans filed by a utility shall include all of the types of contracts and arrangements listed in subparagraphs (1) and (2) of this paragraph which will be entered into or exercised by the utility during the prospective 12-month period. In addition, the utility shall file an updated list of contracts that are or will become subject to renegotiation, extension, or termination within five years. The utility shall also update any price adjustment affecting any of the filed contracts or arrangements.

c. *Other contract offers.* The procurement plan shall include a list and description of those types of contracts and arrangements listed in paragraph 20.13(1)*"b"* offered to the utility since the last filing

into which the utility did not enter. In addition, the procurement plan shall include a list of those types of contracts and arrangements listed in paragraph 20.13(1)*"b"* which were offered to the utility for the prospective 12-month period and into which the utility did not enter.

d. Studies or investigation reports. The procurement plans shall include all studies or investigation reports which have been considered by the utility in deciding whether to enter into any of those types of contracts or arrangements listed in paragraphs 20.13(1)*"b"* and *"c"* which will be exercised or entered into during the prospective 12-month period.

e. Price hedge justification. The procurement plan shall justify purchasing allowance futures contracts as a hedge against future price changes in the market rather than for speculation.

f. Actual and projected costs. The procurement plan shall include an accounting of the actual costs incurred in the purchase and transportation of fuel and the purchase of allowances for use in generating electricity associated with each contract or arrangement filed in accordance with paragraph 20.13(1)*"b"* for the previous 12-month period.

The procurement plan also shall include an accounting of all costs projected to be incurred by the utility in the purchase and transportation of fuel and the purchase of allowances for use in generating electricity associated with each contract or arrangement filed in accordance with paragraph 20.13(1)*"b"* in the prospective 12-month period.

If applicable, the reporting of transportation costs in the procurement plan shall include all known liabilities, including all unit train costs.

g. Costs directly related to the purchase of fuel. The utility shall provide a list and description of all other costs directly related to the purchase of fuels for use in generating electricity not required to be reported by paragraph *"f."*

h. Compliance plans. Each utility shall file its emissions compliance plan as submitted to the EPA. Revisions to the compliance plan shall be filed with each subsequent procurement plan.

i. Evidence submitted. Each utility shall submit all factual evidence and written argument in support of its evaluation of the reasonableness and prudence of the utility's procurement practice decisions in the manner described in its procurement plan. The utility shall file data sufficient to forecast fuel consumption at each generating unit or power plant for the prospective 12-month period. The board may require the submission of machine-readable data for selected computer codes or models.

j. Additional information. Each utility shall file additional information as ordered by the board.

20.13(2) *Periodic review proceeding.* The board shall periodically conduct a proceeding to evaluate the reasonableness and prudence of a rate-regulated utility's procurement practices. The prudence review of allowance transactions and accompanying compliance plans shall be determined on information available at the time the options or plans were developed.

a. On or before May 15 of a required filing year, each utility shall file prepared direct testimony and exhibits in support of its fuel procurement decisions and its fuel requirement forecast. This filing shall be in conjunction with the filing of the plans. The burden shall be on the utility to prove it is taking all reasonable actions to minimize its purchased fuel costs.

b. The board shall disallow any purchased fuel costs in excess of costs incurred under responsible and prudent policies and practices.

199—20.14(476) Flexible rates.

20.14(1) *Purpose.* This subrule is intended to allow electric utility companies to offer, at their option, incentive or discount rates to their customers.

20.14(2) *General criteria.*

a. Electric utility companies may offer discounts to individual customers, to selected groups of customers, or to an entire class of customers. However, discounted rates must be offered to all directly competing customers in the same service territory. Customers are direct competitors if they make the same end product (or offer the same service) for the same general group of customers. Customers that only produce component parts of the same end product are not directly competing customers.

b. In deciding whether to offer a specific discount, the utility shall evaluate the individual customer's, group's, or class's situation and perform a cost-benefit analysis before offering the discount.

c. Any discount offered should be such as to significantly affect the customer's or customers' decision to stay on the system or to increase consumption.

d. The consequences of offering the discount should be beneficial to all customers and to the utility. Other customers should not be at risk of loss as a result of these discounts; in addition, the offering of discounts shall in no way lead to subsidization of the discounted rates by other customers in the same or different classes.

20.14(3) *Tariff requirements.* If a company elects to offer flexible rates, the utility shall file for review and approval tariff sheets specifying the general conditions for offering discounted rates. The tariff sheets shall include, at a minimum, the following criteria:

a. The cost-benefit analysis must demonstrate that offering the discount will be more beneficial than not offering the discount.

b. The ceiling for all discounted rates shall be the approved rate on file for the customer's rate class.

c. The floor for the discount rate shall be equal the energy costs and customer costs of serving the specific customer.

d. No discount shall be offered for a period longer than five years, unless the board determines upon good cause shown that a longer period is warranted.

e. Discounts should not be offered if they will encourage deterioration in the load characteristics of the customer receiving the discount.

20.14(4) *Reporting requirements.* Each rate-regulated electric utility electing to offer flexible rates shall file annual reports with the board within 30 days of the end of each 12 months. Reports shall include the following information:

a. Section 1 of the report concerns discounts initiated in the last 12 months. For all discounts initiated in the last 12 months, the report shall include:

(1) The identity of the new customers (by account number, if necessary);

(2) The value of the discount offered;

(3) The cost-benefit analysis results;

(4) The end-use cost of alternate fuels or energy supplies available to the customer, if relevant;

(5) The energy and demand components by month of the amount of electricity sold to the customer in the preceding 12 months.

b. Section 2 of the report relates to overall program evaluation. Amount of electricity refers to both energy and demand components when the customer is billed for both elements. For all discounts currently being offered, the report shall include:

(1) The identity of each customer (by account number, if necessary);

(2) The amount of electricity sold in the last 12 months to each customer at discounted rates, by month;

(3) The amount of electricity sold to each customer in the same 12 months of the preceding year, by month;

(4) The dollar value of the discount in the last 12 months to each customer, by month; and

(5) The dollar value of sales to each customer for each of the previous 12 months.

c. Section 3 of the report concerns discounts denied or discounts terminated. For all customers specifically evaluated and denied or having a discount terminated in the last 12 months, the report shall include:

(1) Customer identification (by account number, if necessary);

(2) The amount of electricity sold in the last 12 months to each customer, by month;

(3) The amount of electricity sold to each customer in the same 12 months of the preceding year, by month; and

(4) The dollar value of sales to each customer for each of the past 12 months.

d. No monthly report is required if the utility had no customers receiving a discount during the relevant period and had no customers which were evaluated for the discount and rejected during the relevant period.

20.14(5) *Rate case treatment.* In a rate case, 50 percent of any identifiable increase in net revenues will be used to reduce rates for all customers; the remaining 50 percent of the identifiable increase in net revenues may be kept by the utility. If there is a decrease in revenues due to the discount, the utility's test year revenues will be adjusted to remove the effects of the discount by assuming that all sales were made at full tariffed rates for the customer class. Determining the actual amount will be a factual determination to be made in the rate case.

199—20.15(476) Customer contribution fund.

20.15(1) *Applicability and purpose.* This rule applies to each electric public utility, as defined in Iowa Code sections 476.1, 476.1A, and 476.1B. Each utility shall maintain a program plan to assist the utility's low-income customers with weatherization and to supplement assistance received under the federal low-income home energy assistance program for the payment of winter heating bills.

20.15(2) *Program plan.* Each utility shall have on file with the board a detailed description of its current program plan. At a minimum, the plan shall include the following information:

a. A list of the members of the governing board, council, or committee established to determine the appropriate distribution of the funds collected. The list shall include the organization each member represents;

b. A sample of the customer notification with a description of the method and frequency of its distribution;

c. A sample of the authorization form provided to customers;

d. The date of implementation.

Program plans for new customer contribution funds shall be rejected if not in compliance with this rule.

20.15(3) *Notification.* Each utility shall notify all customers of the fund at least twice a year. The method of notice which will ensure the most comprehensive notification to the utility's customers shall be employed. Upon commencement of service and at least once a year, the notice shall be mailed or personally delivered to all customers. The other required notice may be published in a local newspaper(s) of general circulation within the utility's service territory. A utility serving fewer than 6000 customers may publish their semiannual notices locally in a free newspaper, utility newsletter or shopper's guide instead of a newspaper. At a minimum the notice shall include:

a. A description of the availability and the purpose of the fund;

b. A customer authorization form. This form shall include a monthly billing option and any other methods of contribution.

20.15(4) *Methods of contribution.* The utility shall provide for contributions as monthly pledges, as well as one-time or periodic contributions. Each utility may allow persons or organizations to contribute matching funds.

20.15(5) *Annual report.* On or before September 30 of each year, each utility shall file with the board a report of all the customer contribution fund activity for the previous fiscal year beginning July 1 and ending June 30. The report shall be in a form provided by the board and shall contain an accounting of the total revenues collected and all distributions of the fund. The utility shall report all utility expenses directly related to the customer contribution fund.

20.15(6) *Binding effect.* A pledge by a customer or other party shall not be construed to be a binding contract between the utility and the pledgor. The pledge amount shall not be subject to delayed payment charges by the utility.

199—20.16(476) Exterior flood lighting. Rescinded IAB 11/12/03, effective 12/17/03.

199—20.17(476) Ratemaking treatment of emission allowances.

20.17(1) *Applicability and purpose.* This rule applies to all rate-regulated utilities providing electric service in Iowa. Under Title IV of the Clean Air Act Amendments of 1990, each electric utility is required to hold sufficient emission allowances to offset emissions at all affected and new units. The acquisition and disposition of emission allowances will be treated for ratemaking purposes as defined in this rule.

20.17(2) *Definitions.* The following words and terms, when used in this rule, shall have the meaning indicated below:

"Allowance futures contract" is an agreement between a futures exchange clearinghouse and a buyer or seller to buy or sell an allowance on a specified future date at a specified price.

"Allowance option contract" is an agreement between a buyer and seller whereby the buyer has the option to transfer an allowance(s) at a specified date at a specified price. The seller of a call or put option will receive a premium for taking on the associated risk.

"Auction allowances" are allowances acquired or sold through EPA's annual allowance auction.

"Boot" means something acquired or forfeited to equalize a trade.

"Direct sale allowances" are allowances purchased from the EPA in its annual direct sale.

"Emission for emission trade" is an exchange of one type of emission for another type of emission. For example, the exchange of SO_2 emission allowances for NO_x emission allowances.

"Fair market value" is the amount at which an allowance could reasonably be sold in a transaction between a willing buyer and a willing seller other than in a forced or liquidation sale.

"Historical cost" is the amount of cash or its equivalent paid to acquire an asset, including any direct acquisition expenses. Any commissions paid to brokers shall be considered a direct acquisition expense.

"Original cost" is the historical cost of an asset to the person first devoting the asset to public service.

"Statutory allowances" are allowances allocated by the EPA at no cost to affected units under the Acid Rain Program either through annual allocations as a matter of statutory right and those for which a utility may qualify by using certain compliance options or effective use of conservation and renewables.

"Vintage trade" is an exchange of one vintage of allowances for another vintage of allowances with the difference in value between vintages being cash or additional allowances.

20.17(3) *Valuing allowances for ratemaking purposes.*

a. Statutory allowances. Valued at zero cost to electric utility.

b. Direct sale allowances. Valued at historical cost.

c. Auction allowances. Valued at historical cost.

d. Purchased allowances. Valued at historical cost.

20.17(4) *Valuing allowance inventory accounts.* Allowance inventory accounts shall be valued at the weighted average cost of all allowances eligible for use during that year.

20.17(5) *Valuing allowances acquired as part of a package.* Allowances acquired as part of a package with equipment, fuel, or electricity shall be valued at their fair market value at the time the allowances were acquired.

20.17(6) *Valuing allowances acquired through exchanges.*

a. *Exchanges without boot.* Electric utilities shall value allowances received in exchanges based on the recorded inventory value of the allowances relinquished.

b. *Exchanges with boot.* Electric utilities shall value allowances as the sum of the inventory cost of the allowances given up and the monetary consideration paid in boot for the newly acquired allowances. In determining the historical cost of allowances received, a gain (or loss) shall be recorded to the extent that the amount of boot received exceeds a proportionate share of the recorded weighted average inventory cost of the allowance surrendered. The proportionate share shall be based upon the ratio of the monetary consideration received (i.e., boot) to the total consideration received (monetary consideration plus the fair market value of the allowances received). The historical cost of the allowances received shall be equal to the amount derived by subtracting the difference between the boot received and the gain from the old inventory cost.

20.17(7) *Valuing allowances transferred among affiliates.*

a. Allowances transferred from a utility to a parent or unregulated subsidiary. Allowances shall be transferred at the higher of historical cost or fair market value.

b. Allowances transferred from an unregulated subsidiary or parent to a utility. Allowances shall be transferred at the lesser of original cost or fair market value.

c. Allowances transferred from a utility to an affiliated utility. Allowances shall be transferred at fair market value.

20.17(8) *Expense recognition and recovery of allowance costs.*

a. *Expense recognition.* Electric utilities shall charge allowances (including fractional amounts) to expense in the month in which related emissions occur.

b. *Expense recovery.* The expense associated with allowances used for compliance shall be passed through the energy adjustment as specified in rule 20.9(476). The expense associated with allowances used for compliance shall include expenses associated with vintage trades and emission for emission trades.

c. *Allowance inventory shortage.* If a utility emits more emissions in a month than it has allowances in inventory, the utility shall pass the estimated cost of acquiring the needed allowances through the energy adjustment. When the needed allowances are acquired, any difference between the estimated and actual cost of the allowances shall be passed through the energy adjustment as specified in rule 20.9(476).

20.17(9) *Gains/losses from allowance transactions.* The gains and losses, including net gains and losses, from allowance transactions shall be passed through the energy adjustment as specified in rule 20.9(476). Allowance transactions shall include vintage trades and emission for emission trades.

20.17(10) *Allowance futures or option contracts.*

a. *Price hedging.* Electric utilities shall defer the costs or benefits from hedging transactions and include such amounts in inventory values when the related allowances are acquired, sold, or otherwise disposed of. Where the costs or benefits of hedging transactions are not identifiable with specific allowances, the amounts shall be included in inventory values when the futures contract is closed.

b. *Speculation.* Allowance transactions entered into for the purpose of speculation shall not affect allowance inventory pricing.

20.17(11) *Working capital reserve of allowances.* A working capital reserve of allowances shall be established in each utility's rate case proceeding based on the probability of forced outages, fuel quality variability, variability in load growth, nuclear exposure, the price and availability of allowances on the national market, and any other factors that the board deems appropriate. The working capital reserve will earn at the utility's authorized rate of return.

20.17(12) *Allowances banked for future use.* Allowances banked for future use shall be considered plant held for future use in utility rate proceedings if a definitive plan and schedule for use of the allowances is deemed adequate by the board.

20.17(13) *Prudence of allowance transactions.* The prudence of allowance transactions shall be determined by the board in the periodic electric energy supply and cost review. The prudency review of allowance transactions and accompanying compliance plans shall be based on information available at the time the options or plans were developed. Costs recovered from ratepayers through the energy adjustment that are deemed imprudent by the board shall be refunded with interest to ratepayers through the energy adjustment as specified in rule 20.9(476).

199—20.18(476,478) Service reliability requirements for electric utilities.

20.18(1) *Applicability.* Rule 20.18(476,478) is applicable to investor-owned electric utilities and electric cooperative corporations and associations operating within the state of Iowa subject to Iowa Code chapter 476 and to the construction, operation, and maintenance of electric transmission lines by electric utilities as defined in subrule 20.18(4) to the extent provided in Iowa Code chapter 478.

20.18(2) *Purpose and scope.* Reliable electric service is of high importance to the health, safety, and welfare of the citizens of Iowa. The purpose of rule 20.18(476,478) is to establish requirements for assessing the reliability of the transmission and distribution systems and facilities that are under the board's jurisdiction. This rule establishes reporting requirements to provide consumers, the board, and electric utilities with methodology for monitoring reliability and ensuring quality of electric service within an electric utility's operating area. This rule provides definitions and requirements for maintenance of interruption data, retention of records, and report filing.

20.18(3) *General obligations.*

a. Each electric utility shall make reasonable efforts to avoid and prevent interruptions of service. However, when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety.

b. The electric utility's electrical transmission and distribution facilities shall be designed, constructed, maintained, and electrically reinforced and supplemented as required to reliably perform the power delivery burden placed upon them in the storm and traffic hazard environment in which they are located.

c. Each electric utility shall carry on an effective preventive maintenance program and shall be capable of emergency repair work on a scale which its storm and traffic damage record indicates as appropriate to its scope of operations and to the physical condition of its transmission and distribution facilities.

d. In appraising the reliability of the electric utility's transmission and distribution system, the board will consider the condition of the physical property and the size, training, supervision, availability, equipment, and mobility of the maintenance forces, all as demonstrated in actual cases of storm and traffic damage to the facilities.

e. Each electric utility shall keep records of interruptions of service on its primary distribution system and shall make an analysis of the records for the purpose of determining steps to be taken to prevent recurrence of such interruptions.

f. Each electric utility shall make reasonable efforts to reduce the risk of future interruptions by taking into account the age, condition, design, and performance of transmission and distribution facilities and providing adequate investment in the maintenance, repair, replacement, and upgrade of facilities and equipment.

g. Any electric utility unable to comply with applicable provisions of rule 20.18(476,478) may file a waiver request pursuant to rule 199—1.3(17A,474,476,78GA,HF2206).

20.18(4) *Definitions.* Terms and formulas when used in rule 20.18(476,478) are defined as follows:

"Customer" means (1) any person, firm, association, or corporation, (2) any agency of the federal, state, or local government, or (3) any legal entity responsible by law for payment of the electric service from the electric utility which has a separately metered electrical service point for which a bill is rendered. Electrical service point means the point of connection between the electric utility's equipment and the customer's equipment. Each meter equals one customer. Retail customers are end-use customers who purchase and ultimately consume electricity.

"Customer average interruption duration index (CAIDI)" means the average interruption duration for those customers who experience interruptions during the year. It is calculated by dividing the annual sum of all customer interruption durations by the total number of customer interruptions.

$$\text{CAIDI} = \frac{\text{Sum of All Customer Interruption Durations}}{\text{Total Number of Customer Interruptions}}$$

"Distribution system" means that part of the electric system owned or operated by an electric utility and designed to operate at a nominal voltage of 25,000 volts or less.

"Electric utility" means investor-owned electric utilities and electric cooperative corporations and associations owning, controlling, operating, or using transmission and distribution facilities and equipment subject to the board's jurisdiction.

"GIS" means a geospatial information system. This is an information management framework that allows the integration of various data and geospatial information.

"Interrupting device" means a device capable of being reclosed whose purpose is to interrupt faults and restore service or disconnect loads. These devices can be manual, automatic, or motor-operated. Examples may include transmission breakers, feeder breakers, line reclosers, motor-operated switches, fuses, or other devices.

"Interruption" means a loss of service to one or more customers or other facilities and is the result of one or more component outages. The types of interruption include momentary event, sustained, and

scheduled. The following interruption causes shall not be included in the calculation of the reliability indices:

1. Interruptions intentionally initiated pursuant to the provisions of an interruptible service tariff or contract and affecting only those customers taking electric service under such tariff or contract;
2. Interruptions due to nonpayment of a bill;
3. Interruptions due to tampering with service equipment;
4. Interruptions due to denied access to service equipment located on the affected customer's private property;
5. Interruptions due to hazardous conditions located on the affected customer's private property;
6. Interruptions due to a request by the affected customer;
7. Interruptions due to a request by a law enforcement agency, fire department, other governmental agency responsible for public welfare, or any agency or authority responsible for bulk power system security;
8. Interruptions caused by the failure of a customer's equipment; the operation of a customer's equipment in a manner inconsistent with law, an approved tariff, rule, regulation, or an agreement between the customer and the electric utility; or the failure of a customer to take a required action that would have avoided the interruption, such as failing to notify the company of an increase in load when required to do so by a tariff or contract.

"Interruption duration" as used herein in regard to sustained outages means a period of time measured in one-minute increments that starts when an electric utility is notified or becomes aware of an interruption and ends when an electric utility restores electric service. Durations of less than five minutes shall not be reported in sustained outages.

"Interruption, momentary" means single operation of an interrupting device that results in a voltage of zero. For example, two breaker or recloser operations equals two momentary interruptions. A momentary interruption is one in which power is restored automatically.

"Interruption, momentary event" means an interruption of electric service to one or more customers of duration limited to the period required to restore service by an interrupting device. Note: Such switching operations must be completed in a specified time not to exceed five minutes. This definition includes all reclosing operations that occur within five minutes of the first interruption. For example, if a recloser or breaker operates two, three, or four times and then holds, the event shall be considered one momentary event interruption.

"Interruption, scheduled" means an interruption of electric power that results when a transmission or distribution component is deliberately taken out of service at a selected time, usually for the purposes of construction, preventive maintenance, or repair. If it is possible to defer the interruption, the interruption is considered a scheduled interruption.

"Interruption, sustained" means any interruption not classified as a momentary event interruption. It is an interruption of electric service that is not automatically or instantaneously restored, with duration of greater than five minutes.

"Loss of service" means the loss of electrical power, a complete loss of voltage, to one or more customers. This does not include any of the power quality issues such as sags, swells, impulses, or harmonics. Also see definition of "interruption."

"Major event" will be declared whenever extensive physical damage to transmission and distribution facilities has occurred within an electric utility's operating area due to unusually severe and abnormal weather or event and:

1. Wind speed exceeds 90 mph for the affected area, or
2. One-half inch of ice is present and wind speed exceeds 40 mph for the affected area, or
3. Ten percent of the affected area total customer count is incurring a loss of service for a length of time to exceed five hours, or
4. 20,000 customers in a metropolitan area are incurring a loss of service for a length of time to exceed five hours.

"Meter" means, unless otherwise qualified, a device that measures and registers the integral of an electrical quantity with respect to time.

"Metropolitan area" means any community, or group of contiguous communities, with a population of 20,000 individuals or more.

"Momentary average interruption frequency index (MAIFI)" means the average number of momentary electric service interruptions for each customer during the year. It is calculated by dividing the total number of customer momentary interruptions by the total number of customers served.

$$\text{MAIFI} = \frac{\text{Total Number of Customer Momentary Interruptions}}{\text{Total Number of Customers Served}}$$

"OMS" is a computerized outage management system.

"Operating area" means a geographical area defined by the electric utility that is a distinct area for administration, operation, or data collection with respect to the facilities serving, or the service provided within, the geographical area.

"Outage" means the state of a component when it is not available to perform its intended function due to some event directly associated with that component. An outage may or may not cause an interruption of service to customers, depending on system configuration.

"Power quality" means the characteristics of electric power received by the customer, with the exception of sustained interruptions and momentary event interruptions. Characteristics of electric power that detract from its quality include waveform irregularities and voltage variations, either prolonged or transient. Power quality problems shall include, but are not limited to, disturbances such as high or low voltage, voltage spikes and transients, flickers and voltage sags, surges and short-time overvoltages, as well as harmonics and noise.

"Rural circuit" means a circuit not defined as an urban circuit.

"System average interruption duration index (SAIDI)" means the average interruption duration per customer served during the year. It is calculated by dividing the sum of the customer interruption durations by the total number of customers served during the year.

$$\text{SAIDI} = \frac{\text{Sum of All Customer Interruption Durations}}{\text{Total Number of Customers Served}}$$

"System average interruption frequency index (SAIFI)" means the average number of interruptions per customer during the year. It is calculated by dividing the total annual number of customer interruptions by the total number of customers served during the year.

$$\text{SAIFI} = \frac{\text{Total Number of Customer Interruptions}}{\text{Total Number of Customers Served}}$$

"Total number of customers served" means the total number of customers served on the last day of the reporting period.

"Urban circuit" means a circuit where both 75 percent or more of its customers and 75 percent or more of its primary circuit miles are located within a metropolitan area.

20.18(5) *Record-keeping requirements.*

a. Required records for electric utilities with over 50,000 Iowa retail customers.

(1) Each electric utility shall maintain a geospatial information system (GIS) and an outage management system (OMS) sufficient to determine a history of sustained electric service interruptions experienced by each customer. The OMS shall have the ability to access data for each customer in order to determine a history of electric service interruptions. Data shall be sortable by each of, and in any combination with, the following factors:

1. State jurisdiction;
2. Operating area (if any);
3. Substation;

4. Circuit;
5. Number of interruptions in reporting period; and
6. Number of hours of interruptions in reporting period.

(2) Records on interruptions shall be sufficient to determine the following:

1. Starting date and time the utility became aware of the interruption;
2. Duration of the interruption;
3. Date and time service was restored;
4. Number of customers affected;
5. Description of the cause of the interruption;
6. Operating areas affected;
7. Circuit number(s) of the distribution circuit(s) affected;
8. Service account number or other unique identifier of each customer affected;
9. Address of each affected customer location;
10. Weather conditions at time of interruption;
11. System component(s) involved (e.g., transmission line, substation, overhead primary main, underground primary main, transformer); and
12. Whether the interruption was planned or unplanned.

(3) Each electric utility shall maintain as much information as feasible on momentary interruptions.

(4) Each electric utility shall keep information on cause codes, weather codes, isolating device codes, and equipment failed codes.

1. The minimum interruption cause code set should include: animals, lightning, major event, scheduled, trees, overload, error, supply, equipment, other, unknown, and earthquake.
2. The minimum interruption weather code set should include: wind, lightning, heat, ice/snow, rain, clear day, and tornado/hurricane.
3. The minimum interruption isolating device set should include: breaker, recloser, fuse, sectionalizer, switch, and elbow.
4. The minimum interruption equipment failed code set should include: cable, transformer, conductor, splice, lightning arrester, switches, cross arm, pole, insulator, connector, other, and unknown.
5. Utilities may augment the code sets listed above to enhance tracking.

(5) An electric utility shall retain for seven years the records required by 20.18(5)*"a"*(1) through (4).

(6) Each electric utility shall record the date of installation of major facilities (poles, conductors, cable, and transformers) installed on or after April 1, 2003, and integrate that data into its GIS database.

b. Required records for all other electric utilities.

(1) Each electric utility, other than those providing only wholesale electric service, shall record and maintain sufficient records and reports that will enable it to calculate for the most recent seven-year period the average annual hours of interruption per customer due to causes in each of the following four major categories: power supplier, major storm, scheduled, and all other. Those electric utilities that provide only wholesale electric service shall provide their wholesale customers with the information necessary to allow those customers to ascertain the cause of power supply-related outages.

The category "scheduled" refers to interruptions resulting when a distribution transformer, line, or owned substation is deliberately taken out of service at a selected time for maintenance or other reasons.

The interruptions resulting from either scheduled or unscheduled outages on lines or substations owned by the power supplier are to be accounted for in the "power supplier" category.

The category "major storm" represents service interruptions from conditions that cause many concurrent outages because of snow, ice, or wind loads that exceed design assumptions for the lines.

The "all other" category includes outages primarily resulting from emergency conditions due to equipment breakdown, malfunction, or human error.

(2) When recording interruptions, each electric utility, other than those providing only wholesale electric service, shall use detailed standard codes for interruption analysis recommended by the United States Department of Agriculture, Rural Utilities Service (RUS) Bulletin 161-1, Tables 1 and 2, including the major cause categories of equipment or installation, age or deterioration, weather, birds or animals,

member (or public), and unknown. The utility shall also include the subcategories recommended by RUS for each of these major cause categories.

(3) Each electric utility, other than those providing only wholesale electric service, shall also maintain and record data sufficient to enable it to compute systemwide calculated indices for SAIFI-, SAIDI-, and CAIDI-type measurements, once with the data associated with "major storms" and once without.

c. Each electric utility shall make its records of customer interruptions available to the board as needed.

20.18(6) *Notification of major events.* Notification and reporting of major events as defined in subrule 20.18(4) shall comply with the requirements of rule 20.19(476,478).

20.18(7) *Annual reliability and service quality report for utilities with more than 50,000 Iowa retail customers.* Each electric utility with over 50,000 Iowa retail customers shall submit to the board and consumer advocate on or before May 1 of each year an annual reliability report for the previous calendar year for the Iowa jurisdiction. The report shall include the following information:

a. Description of service area. Urban and rural Iowa service territory customer count, Iowa operating area customer count, if applicable, and major communities served within each operating area.

b. System reliability performance.

(1) An overall assessment of the reliability performance, including the urban and rural SAIFI, SAIDI, and CAIDI reliability indices for the previous calendar year for the Iowa service territory and each defined Iowa operating area, if applicable. This assessment shall include outages at the substation, transmission, and generation levels of the system that directly result in sustained interruptions to customers on the distribution system. These indices shall be calculated twice, once with the data associated with major events and once without. This assessment should contain tabular and graphical presentations of the trend for each index as well as the trends of the major causes of interruptions.

(2) The urban and rural SAIFI, SAIDI, and CAIDI reliability average indices for the previous five calendar years for the Iowa service territory and each defined Iowa operating area, if applicable. The reliability average indices shall include outages at the substation, transmission, and generation levels of the system that directly result in sustained interruptions to customers on the distribution system. Calculation of the five-year average shall start with data from the year covered by the first Annual Reliability Report submittal so that by the fifth Annual Reliability Report submittal a complete five-year average shall be available. These indices shall be calculated twice, once with the data associated with major events and once without.

(3) The MAIFI reliability indices for the previous five calendar years for the Iowa service territory and each defined Iowa operating area for which momentary interruptions are tracked. The first annual report should specify which portions of the system are monitored for momentary interruptions, identify and describe the quality of data used, and update as needed in subsequent reports.

c. Reporting on customer outages.

(1) The reporting electric utility shall provide tables and graphical representations showing, in ascending order, the total number of customers that experienced set numbers of sustained interruptions during the year (i.e., the number of customers who experienced zero interruptions, the number of customers who experienced one interruption, two interruptions, three interruptions, and so on). The utility shall provide this for each of the following:

1. All Iowa customers, excluding major events.
2. All Iowa customers, including major events.

(2) The reporting electric utility shall provide tables and graphical representations showing, in ascending order, the total number of customers that experienced a set range of total annual sustained interruption duration during the year (i.e., the number of customers who experienced zero hours total duration, the number of customers who experienced greater than 0.0833 but less than 0.5 hour total duration, the number of customers who experienced greater than 0.5 but less than 1.0 hour total duration, and so on, reflecting half-hour increments of duration). The utility shall provide this for each of the following:

1. All Iowa customers, excluding major events.

2. All Iowa customers, including major events.

d. Major event summary. For each major event that occurred in the reporting period, the following information shall be provided:

(1) A description of the area(s) impacted by each major event;

(2) The total number of customers interrupted by each major event;

(3) The total number of customer-minutes interrupted by each major event; and

(4) Updated damage cost estimates to the electric utility's facilities.

e. Information on transmission and distribution facilities.

(1) Total circuit miles of electric distribution line in service at year's end, segregated by voltage level. Reasonable groupings of lines with similar voltage levels, such as but not limited to 12,000- and 13,000-volt three-phase facilities, are acceptable.

(2) Total circuit miles of electric transmission line in service at year's end, segregated by voltage level.

f. Plans and status report.

(1) A plan for service quality improvements, including costs, for the electric utility's transmission and distribution facilities that will ensure quality, safe, and reliable delivery of energy to customers.

1. The plan shall cover not less than the three years following the year in which the annual report was filed. A copy of the electric utility's documents and databases supporting capital investment and maintenance budget amounts required in 20.18(7)*"g"*(1) and 20.18(7)*"h"*(1), respectively, (including but not limited to transmission and distribution facilities, transmission and distribution control and communication facilities, and transmission and distribution planning, maintenance, and reliability-related computer hardware and software) shall be maintained in the utility's principal Iowa business location and shall be available for inspection by the board and office of consumer advocate. The utility's plan may reference said budget documents and databases, instead of duplicating or restating the detail therein. Copies of capital budgeting documents shall be maintained for five years.

2. The plan shall identify reliability challenges and may describe specific projects and projected costs. The filing of the plan shall not be considered as evidence of the prudence of the utility's reliability expenditures.

3. The plan shall provide an estimate of the timing for achievement of the plan's goals.

(2) A progress report on plan implementation. The report shall include identification of significant changes to the prior plan and the reasons for the changes.

g. Capital expenditure information. Reporting of capital expenditure information shall start with data from the year covered by the first Annual Reliability Report submittal so that by the fifth Annual Reliability Report submittal five years of data shall be available in each subsequent annual report.

(1) Each electric utility shall report on an annual basis the total of:

1. Capital investment in the electric utility's Iowa-based transmission and distribution infrastructure approved by its board of directors or other appropriate authority. If any amounts approved by the board of directors are designated for use in a recovery from a major event, those amounts shall be identified in addition to the total.

2. Capital investment expenditures in the electric utility's Iowa-based transmission and distribution infrastructure. If any expenditures were utilized in a recovery from a major event, those amounts shall be identified in addition to the total.

(2) Each electric utility shall report the same capital expenditure data from the past five years in the same fashion as in 20.18(7)*"g"*(1).

h. Maintenance. Reporting of maintenance information shall start with data from the year covered by the first Annual Reliability Report submittal so that by the fifth Annual Reliability Report submittal five years of data shall be available in each subsequent annual report.

(1) Total maintenance budgets and expenditures for distribution, and for transmission, for each operating area, if applicable, and for the electric utility's entire Iowa system for the past five years. If any maintenance budgets and expenditures are designated for use in a recovery from a major event, or were used in a recovery from a major event, respectively, those amounts shall be identified in addition to the totals.

(2) Tree trimming.

1. The budget and expenditures described in 20.18(7)*"h"*(1) shall be stated in such a way that the total annual tree trimming budget expenditures shall be identifiable for each operating area and for the electric utility's entire Iowa system for the past five years.

2. Total annual projected and actual miles of transmission line and of distribution line for which trees were trimmed for the reporting year for each operating area and for the electric utility's entire Iowa system for the reporting year, compared to the past five years. If the utility has utilized, or would prefer to utilize, an alternative method or methods of tracking physical tree trimming progress, it may propose the use of that method or methods to the board in a request for waiver.

3. In the event the utility's actual tree trimming performance, based on how the utility tracks its tree trimming as described in 20.18(7)*"h"*(2)"1," lags behind its planned trimming schedule by more than six months, the utility shall be required to file for the board's approval additional tree trimming status reports on a quarterly basis. Such reports shall describe the steps the utility will take to remediate its tree trimming performance and backlog. The additional quarterly reports shall continue until the utility's backlog has been reduced to zero.

i. The annual reliability report, starting with the reliability report for calendar year 2008, shall include the number of poles inspected, the number rejected, and the number replaced.

20.18(8) *Annual report for all electric utilities not reporting pursuant to 20.18(7).*

a. By July 1, 2003, each electric utility shall adopt and have approved by its board of directors or other governing authority a reliability plan and shall file an informational copy of the plan with the board. The plan shall be updated not less than annually and shall describe the following:

(1) The utility's current reliability programs, including:

1. Tree trimming cycle, including descriptions and explanations of any changes to schedules and procedures reportable in accordance with 199 IAC 25.3(3)*"c"*;

2. Animal contact reduction programs, if applicable;

3. Lightning outage mitigation programs, if applicable; and

4. Other programs the electric utility may identify as reliability-related.

(2) Current ability to track and monitor interruptions.

(3) How the electric utility plans to communicate its plan with customers/consumer owners.

b. By April 1, 2004, and each April 1 thereafter, each electric utility shall prepare for its board of directors or other governing authority a reliability report. A copy of the annual report shall be filed with the board for informational purposes, shall be made publicly available in its entirety to customers/consumer owners, and shall report on at least the following:

(1) Measures of reliability for each of the five previous calendar years, including reliability indices if required in 20.18(5)*"b"*(3). These measures shall start with data from the year covered by the first Annual Reliability Report so that by the fifth Annual Reliability Report submittal reliability measures will be based upon five years of data.

(2) Progress on any reliability programs identified in its plan, but not less than the applicable programs listed in 20.18(8)*"a"*(1).

20.18(9) *Inquiries about electric service reliability.*

a. For electric utilities with over 50,000 Iowa retail customers. A customer may request a report from an electric utility about the service reliability of the circuit supplying the customer's own meter. Within 20 working days of receipt of the request, the electric utility shall supply the report to the customer at a reasonable cost. The report should identify which interruptions (number and durations) are due to major events.

b. Other utilities are encouraged to adopt similar responses to the extent it is administratively feasible.

199—20.19(476,478) Notification and reporting of outages.

20.19(1) *Notification.* Each electric utility shall notify the board of any outage that results, or is expected to result, in the following:

a. Loss of service for more than two hours to substantially all of a municipality, including the surrounding area served by the same utility;

b. Loss of service for more than two hours to 20 percent of the customers in a utility's established zone or area;

c. Loss of service for more than two hours to more than 3,600 customers in a metropolitan area;

d. A major event as defined in subrule 20.18(4); or

e. Any other outage considered significant by the electric utility.

20.19(2) *Information required.*

a. Notice shall be provided as soon as the utility learns of the outage, or as soon as practical thereafter, by calling the board duty officer at 515-745-2332. The caller shall leave a call-back number for a person who can provide the following information:

(1) The nature or cause of the outage;

(2) The area affected;

(3) The number of customers that have experienced a loss of electric service as a result of the outage;

(4) The estimated time until service will be restored; and

(5) The name of the utility, the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the outage.

b. The electric utility shall provide updates to the board as new or additional information becomes available until all service is restored.

20.19(3) *Outage report.* Each electric utility shall submit a report to the board within 30 days after the customers affected by the outage reported under subrule 20.19(1) have regained service. The report shall include the following:

a. A description of the circumstances that caused the outage;

b. The total number of customers out of service during the outage;

c. The longest customer interruption;

d. The damage cost estimates to the electric utility's facilities; and

e. The number of people used to restore service.

These rules are intended to implement Iowa Code sections 17A.3, 364.23, 474.5, 476.1, 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 478.18, and 546.7.

[Filed 7/12/66; amended 6/27/75]
[Filed 12/30/75, Notice 10/6/75—published 1/26/76, effective 3/1/76]
[Filed 1/7/77, Notice 11/3/76—published 1/26/77, effective 3/2/77]
[Filed 9/30/77, Notice 6/29/77—published 10/19/77, effective 11/23/77]
[Filed 10/4/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]
[Filed 11/9/78, Notice 11/2/77—published 11/29/78, effective 1/3/79]
[Filed emergency 12/22/78—published 1/10/79, effective 12/22/78]
[Filed emergency 12/27/78—published 1/10/79, effective 12/27/78]
[Filed 4/10/79, Notices 5/3/78, 8/23/78—published 5/2/79, effective 6/6/79]
[Filed 4/10/79, Notice 11/1/78—published 5/2/79, effective 6/6/79]
[Filed 6/8/79, Notice 4/4/79—published 6/27/79, effective 8/1/79]
[Filed 6/29/79, Notice 11/1/78—published 7/25/79, effective 8/29/79]
[Filed 9/26/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]
[Filed 1/30/81, Notice 5/14/80—published 2/18/81, effective 7/1/81]
[Filed 4/10/81, Notice 6/25/80—published 4/29/81, effective 6/3/81]
[Filed 5/18/81, Notice 9/17/80—published 6/10/81, effective 7/15/81]
[Filed 6/19/81, Notice 10/1/80—published 7/8/81, effective 8/12/81]
[Filed 9/10/81, Notice 2/6/80—published 9/30/81, effective 11/4/81]
[Filed 10/20/81, Notice 11/26/80—published 11/11/81, effective 12/16/81]
[Filed emergency 11/17/81 after Notice 9/30/81—published 12/9/81, effective 11/17/81]
[Filed emergency 12/14/81—published 1/6/82, effective 12/14/81]
[Filed emergency 6/28/82—published 7/21/82, effective 6/28/82]

[Filed 9/24/82, Notice 4/28/82—published 10/13/82, effective 11/17/82]
[Filed 10/21/82, Notice 8/18/82—published 11/10/82, effective 12/15/82]
[Filed 12/3/82, Notice 9/1/82—published 12/22/82, effective 1/26/83]
[Filed 1/28/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]
[Filed 2/25/83, Notice 12/22/82—published 3/16/83, effective 4/20/83]
[Filed 4/11/83, Notice 2/16/83—published 4/27/83, effective 6/1/83]
[Filed 4/15/83, Notice 1/19/83—published 5/11/83, effective 6/15/83]
[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]
[Filed 9/9/83, Notice 6/8/83—published 9/28/83, effective 11/2/83]
[Filed 9/9/83, Notice 6/8/83—published 9/28/83, effective 1/1/84]
[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]
[Filed 12/2/83, Notice 9/28/83—published 12/21/83, effective 1/25/84]
[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/8/84]
[Filed 1/13/84, Notice 9/11/83—published 2/1/84, effective 3/7/84]
[Filed 1/27/84, Notice 11/23/83—published 2/15/84, effective 3/21/84][1]
[Filed 4/9/84, Notice 1/18/84—published 4/25/84, effective 5/30/84]
[Filed emergency 4/20/84—published 5/9/84, effective 4/23/84]
[Filed 4/20/84, Notice 2/15/84—published 5/9/84, effective 6/13/84][2]
[Filed emergency 6/1/84—published 6/20/84, effective 6/1/84]
[Filed 9/10/84, Notice 2/15/84—published 9/26/84, effective 10/31/84]
[Filed 9/10/84, Notice 7/18/84—published 9/26/84, effective 10/31/84]
[Filed 9/21/84, Notice 5/23/84—published 10/10/84, effective 11/14/84]
[Filed 10/19/84, Notice 8/15/84—published 11/7/84, effective 12/26/84]
[Filed 4/19/85, Notice 2/13/85—published 5/8/85, effective 6/12/85]
[Filed 5/6/85, Notice 1/2/85—published 5/22/85, effective 6/26/85]
[Filed emergency 6/14/85—published 7/3/85, effective 6/14/85]
[Filed 6/14/85, Notice 4/10/85—published 7/3/85, effective 8/7/85]
[Filed 8/9/85, Notice 6/19/85—published 8/28/85, effective 10/2/85]
[Filed emergency 2/7/86 after Notices 10/9/85, 12/4/85—published 2/26/86, effective 3/31/86]
[Filed 3/7/86, Notice 12/4/85—published 3/26/86, effective 4/30/86]
[Filed 8/8/86, Notice 5/7/86—published 8/27/86, effective 10/1/86][3]
[Filed 8/22/86, Notices 5/21/86, 6/4/86—published 9/10/86, effective 10/15/86][4]
[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]
[Filed 4/17/87, Notice 12/3/86—published 5/6/87, effective 6/10/87]
[Filed 11/13/87, Notice 10/7/87—published 12/2/87, effective 1/6/88]
[Filed 6/10/88, Notices 4/8/87, 12/30/87, 3/9/88—published 6/29/88, effective 8/3/88]
[Filed 9/2/88, Notice 7/27/88—published 9/21/88, effective 10/26/88]
[Filed 12/8/88, Notice 10/19/88—published 12/28/88, effective 2/1/89]
[Filed 12/22/88, Notice 9/21/88—published 1/11/89, effective 2/15/89]
[Filed 1/6/89, Notices 7/1/87, 1/13/88, 7/27/88—published 1/25/89, effective 3/1/89]
[Filed 5/24/89, Notices 5/4/88, 6/29/88, 12/14/88—published 6/14/89, effective 7/19/89]
[Filed 2/28/90, Notice 11/1/89—published 3/21/90, effective 4/25/90]
[Filed 9/14/90, Notice 11/29/90—published 10/3/90, effective 11/7/90]
[Filed 9/28/90, Notice 6/27/90—published 10/17/90, effective 11/21/90]
[Filed 10/24/90, Notice 3/21/90—published 11/14/90, effective 12/19/90]
[Filed 12/20/90, Notice 6/27/90—published 1/9/91, effective 2/13/91]
[Filed 12/21/90, Notice 6/27/90—published 1/9/91, effective 2/13/91]
[Filed emergency 3/15/91, after Notice 1/23/91—published 4/3/91, effective 3/15/91]
[Filed 3/28/91, Notice 10/3/90—published 4/17/91, effective 5/22/91]
[Filed 4/25/91, Notice 12/26/90—published 5/15/91, effective 6/19/91]
[Filed 11/18/91, Notice 4/17/91—published 12/11/91, effective 1/15/92]
[Filed 3/20/92, Notice 8/7/91—published 4/15/92, effective 5/20/92]

[Filed 10/9/92, Notice 4/29/92—published 10/28/92, effective 12/2/92]
[Filed 7/27/93, Notice 3/3/93—published 8/18/93, effective 9/22/93]
[Filed 8/11/93, Notice 5/12/93—published 9/1/93, effective 10/6/93][5]
[Filed 12/2/93, Notice 9/15/93—published 12/22/93, effective 1/26/94]
[Filed emergency 4/21/94—published 5/11/94, effective 4/21/94]
[Filed 6/28/94, Notice 4/13/94—published 7/20/94, effective 8/24/94]
[Filed 10/20/94, Notice 6/22/94—published 11/9/94, effective 12/14/94]
[Filed 9/4/97, Notice 3/12/97—published 9/24/97, effective 10/29/97]
[Filed 10/31/97, Notice 5/7/97—published 11/19/97, effective 12/24/97]
[Published 6/17/98 to update name and address of board]
[Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]
[Filed 12/8/99, Notice 4/21/99—published 12/29/99, effective 2/2/00]
[Filed 5/11/00, Notice 10/6/99—published 5/31/00, effective 7/5/00]
[Filed 6/22/00, Notice 3/8/00—published 7/12/00, effective 8/16/00]
[Filed 1/4/01, Notices 3/8/00, 8/23/00—published 1/24/01, effective 2/28/01]
[Filed emergency 3/30/01—published 4/18/01, effective 3/30/01]
[Filed 9/14/01, Notice 4/18/01—published 10/3/01, effective 11/7/01]
[Filed 3/29/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]
[Filed 10/25/02, Notice 3/6/02—published 11/13/02, effective 12/18/02]
[Filed 12/27/02, Notice 7/24/02—published 1/22/03, effective 2/26/03]
[Filed 7/3/03, Notice 3/5/03—published 7/23/03, effective 8/27/03]
[Filed 7/18/03, Notice 2/5/03—published 8/6/03, effective 9/10/03]
[Filed 8/29/03, Notice 5/14/03—published 9/17/03, effective 10/22/03]
[Filed 10/24/03, Notices 2/5/03, 4/2/03—published 11/12/03, effective 12/17/03]
[Filed 11/19/03, Notice 4/2/03—published 12/10/03, effective 1/14/04]
[Filed 7/30/04, Notice 6/9/04—published 8/18/04, effective 9/22/04]
[Filed 9/24/04, Notice 8/18/04—published 10/13/04, effective 11/17/04]
[Filed 10/8/04, Notice 7/7/04—published 10/27/04, effective 12/1/04]
[Filed 1/22/07, Notice 11/8/06—published 2/14/07, effective 3/21/07]
[Filed 4/4/07, Notice 9/13/06—published 4/25/07, effective 5/30/07]
[Filed 5/2/07, Notice 3/28/07—published 5/23/07, effective 6/27/07]
[Filed 6/14/07, Notice 12/20/06—published 7/4/07, effective 8/8/07]
[Filed 12/27/07, Notice 9/26/07—published 1/30/08, effective 3/5/08]
[Filed 4/16/08, Notice 2/27/08—published 5/7/08, effective 6/11/08]
[Filed ARC 7584B (Notice ARC 7420B, IAB 12/17/08), IAB 2/25/09, effective 4/1/09]

[1] Effective date of 20.3(13) *"a," "b,"* (1), (2), (3), (4), and *"c"* delayed 70 days by Administrative Rules Review Committee.

[2] Effective date of 20.4(12), third unnumbered paragraph, delayed seventy days by the Administrative Rules Review Committee.

[3] See IAB, Utilities Division.

[4] Published in Notice portion of IAB 9/10/86; see IAB 10/22/86

[5] Effective date of 20.4(4) delayed until the adjournment of the 1994 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its meeting held September 15, 1993.

TITLE VI
GRANT PROGRAMS

CHAPTER 49
HISTORICAL RESOURCE DEVELOPMENT PROGRAM GRANTS

223—49.1(303) Purpose. The historical resource development program provides funds to preserve, conserve, interpret and enhance, and to educate the public about, the historical resources of the state. These rules define parameters for the administration of grants through the historical resource development program.

223—49.2(303) Definitions. The definitions listed in Iowa Code section 17A.2 and rules 223—1.2(17A,303), 223—1.6(303), 223—13.2(303), 223—22.2(303), and 223—35.2(303) shall apply to terms as they are used throughout this chapter. In addition, the following definitions apply:

"Conservation" means action to chemically stabilize or physically protect historical documents or artifacts to ensure their long-term survival.

"Documentary collections" means collections of current or historical materials that are or might become valuable in interpreting Iowa history, including but not limited to government records, newspapers, photographic images, electronic records, manuscripts, and printed materials.

"Emergency" means a threat to a historical resource that is not the result of delinquency by the current owner and that requires timely action to prevent immediate loss of the resource.

"Grantee" means any applicant that receives grant funds.

"Historical resource" means any site that is listed by the state historic preservation officer on the National Register of Historic Places or personal property that has inherent historical value due to its association with the history of Iowa or the heritage of Iowa's people.

"HRDP" means the historical resource development program as established in Iowa Code section 303.16.

"Interpretation" means the presentation of Iowa history to the public through exhibitions, exhibition catalogs, education programs, historical markers, and other appropriate means.

"Preservation" means the stabilization and rehabilitation of a property eligible for or listed on the National Register of Historic Places, or the salvaging or reformatting of information contained in a historical document or artifact by the use of various surrogate media.

"REAP" means the resource enhancement and protection Act as established in Iowa Code section 455A.16.

"REAP/HRDP steering committee" means the historical division's staff committee appointed by the director and consisting of the grants manager, a division leadership team member, and professional staff members from historic preservation, museum, and documentary collections interest areas.

[**ARC 7583B**, IAB 2/25/09, effective 4/1/09]

223—49.3(303) Funding policies. The grant programs shall be conducted according to published guidelines that outline funding priorities, review criteria, application forms, adjudication processes and grantee requirements. Programs include REAP/HRDP regular grants, REAP/HRDP emergency grants, and country school grants.

49.3(1) Grant programs shall require formal application and review prior to the awarding or denial of any funds. The application and awards process may vary in accordance with the nature and design of each grant program but shall follow published guidelines.

49.3(2) All funded projects shall comply with professional standards for historic preservation, museums, or documentary collections as follows:

a. Historic preservation projects shall adhere to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b. Museum projects shall adhere to applicable national standards or follow technical guidelines generally accepted by the museum profession. Applicants shall demonstrate a commitment to providing, and the ability to provide, care for their collections on a long-term basis.

c. Documentary collections projects shall adhere to national standards, where they apply, or otherwise follow technical guidelines generally accepted by the library, archives, and conservation communities. Applicants shall demonstrate a commitment to providing, and the ability to provide, care for their collections on a long-term basis.

49.3(3) Applications for grants shall be reviewed as follows:

a. Applications for REAP/HRDP emergency grants shall be evaluated by the REAP/HRDP steering committee. Awards shall be determined by majority vote of the steering committee.

b. Applications for REAP/HRDP regular grants and country school grants shall be evaluated by a review panel composed of a minimum of nine members, including at least six public members and three historical division staff members, as follows:

(1) Public members:

1. At least two Iowa museum professionals;
2. At least two members of the Iowa state national register of historic places nominations review committee;
3. At least two members of the Iowa historical records advisory board.

(2) Historical division staff members:

1. One professionally trained museum specialist;
2. One professionally trained historic preservation specialist;
3. One professionally trained archives specialist.

49.3(4) An applicant may not submit more than one application in any single category in any grant cycle.

49.3(5) Applicants funded in two consecutive fiscal years in the same grant category are not eligible to receive funding in the same grant category during the next fiscal year.

49.3(6) Review criteria scores shall be the official record of the proceedings of a review panel or steering committee meeting. Historical division staff shall, upon request, provide an applicant with a written record of these scores.

49.3(7) The review panel shall make grant award recommendations to the state historical society board of trustees. The state historical society board of trustees shall make grant award recommendations to the administrator of the historical division.

49.3(8) The historical division shall issue contracts for all funds awarded.

49.3(9) No state funds awarded under the historical resource development program shall be used by a grantee to meet the grantee's obligation to match other historical division or cultural affairs department grants or programs.

49.3(10) No appropriated state funds shall be used by a grantee to match the grantee's historical resource development program grant.

49.3(11) A grantee shall not utilize historical resource development program funds for any lobbying purpose.

49.3(12) An applicant shall not apply for or use any program funds for the purpose of regranting.

49.3(13) All government, nonprofit corporation, or Indian tribe applicants shall demonstrate that the historical resource is accessible to the public no less than an average of 16 hours per week or shall provide a statement concerning actions to be taken in the forthcoming 36 months after the grant award to provide the above-specified accessibility of the funded project to the public, unless access is restricted by specific federal or state code. Archaeological sites that are part of funded projects are not required by this program to be accessible to the public.

49.3(14) All private corporations, businesses, and individual applicants shall demonstrate that the historical resources which benefit from being acquired, developed or preserved, or the portions of the historical resource so benefited, shall be accessible to the public no less than an average of 96 hours per year or shall provide a statement concerning actions to be taken in the forthcoming 36 months after the grant award to provide the above-specified accessibility of the funded project to the public, unless access is restricted by specific federal or state code. Archaeological sites that are part of funded projects are not required by this program to be accessible to the public.

49.3(15) A grantee shall credit the historical resource development program in all promotions, publicity, advertising, and printed materials relating to the grant-supported project, with the following credit line or a reasonable facsimile: "This program is supported in part by the State Historical Society of Iowa, Historical Resource Development Program." Noncompliance with this requirement shall jeopardize future funding of the grantee by the historical division.

49.3(16) The historical division may, for cause, find that a grantee is not in compliance with the requirements of this program or the terms of the contract. At the division's discretion, remedies for noncompliance may include penalties or the repayment of program funds. Reasons for a finding of noncompliance include but are not limited to: the grantee's use of program funds for activities not described in its application or not permitted under the program; the grantee's failure to complete approved activities in a timely manner; the grantee's failure to comply with any applicable professional standards, state rules, or federal regulations; the lack of a continuing capacity on the part of the grantee to carry out the approved program in a timely manner; or violation of the terms of the contract.
[**ARC 7583B**, IAB 2/25/09, effective 4/1/09]

223—49.4(303) Record keeping and retention. Grantees shall keep adequate records relating to the administration of a project, and particularly relating to all expenses incurred. These records shall be available for audit by representatives of the department and the state auditor's office. All records shall be retained in accordance with state laws.

223—49.5(303) Appeals.

49.5(1) Applicants or grantees may appeal a decision of the historical division on any of the following bases:

a. The action was outside the statutory authority;
b. The decision was influenced by a conflict of interest;
c. The action violated state law, administrative rules, or policy;
d. Insufficient public notice was given; or
e. Alteration of the review and certification processes was detrimental to the applicant.

49.5(2) Written appeals shall be directed to the director of the department within 30 calendar days of notification of the decision. All appeals shall be mailed to the following address: Director, Department of Cultural Affairs, 600 East Locust Street, Des Moines, Iowa 50319-0290.

49.5(3) All appeals shall contain:

a. The facts of the case;
b. An argument in favor of the appeal; and
c. The remedy sought.

49.5(4) The director of the department of cultural affairs shall consider and rule on the appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 days of receipt of all documentation. The decision of the director of the department of cultural affairs shall be final except as provided in Iowa Code sections 17A.19 and 17A.20.

These rules are intended to implement Iowa Code chapter 303.

[Filed emergency 8/31/89—published 9/20/89, effective 8/31/89]
[Filed 3/2/90, Notice 10/20/89—published 3/21/90, effective 5/16/90]
[Filed 3/29/91, Notice 2/20/91—published 4/17/91, effective 5/22/91]
[Filed 4/2/93, Notice 3/3/93—published 4/28/93, effective 6/2/93]
[Filed emergency 8/11/93—published 9/1/93, effective 8/11/93]
[Filed 1/27/94, Notice 12/22/93—published 2/16/94, effective 3/23/94]
[Filed 5/18/95, Notice 12/21/94—published 6/7/95, effective 7/12/95]
[Filed 3/7/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]
[Filed 11/12/98, Notice 10/7/98—published 12/2/98, effective 1/6/99]
[Filed 11/24/99, Notice 10/6/99—published 12/15/99, effective 1/19/00]
[Filed emergency 4/20/07 after Notice 2/28/07—published 5/9/07, effective 4/20/07]
[Filed ARC 7583B (Notice ARC 7387B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 8
PRIVATE ACTIVITY BOND ALLOCATION

265—8.1(7C) General. The governor has appointed the executive director of the Iowa finance authority as the governor's designee responsible for administration of the law which establishes procedures for allocation of private activity bonds as defined in Section 141 of the Internal Revenue Code. Procedures set out in the law and in these rules shall be followed in allocating the private activity bond state ceiling ("state ceiling") between cities, counties and the state of Iowa. For each calendar year, the state ceiling shall be allocated among bonds issued for various purposes in the percentages set forth in Iowa Code section 7C.4A. The state ceiling shall be allocated among all issuers for those various purposes annually in accordance with Iowa Code chapter 7C and these rules. All applications received in any calendar year shall expire as of December 31 of that year.

265—8.2(7C) Forms. Information and forms necessary for compliance with provisions of the law are available upon request from the Iowa Finance Authority, 2015 Grand Avenue, Des Moines, Iowa 50312. The telephone number of the authority is (515)725-4900.

265—8.3(7C) Formula for allocation.

8.3(1) The state ceiling shall be allocated among all issuers on the basis of chronological order of receipt of applications. Chronological order of receipt shall be determined by the date, hour and minute indicated by the time stamp as affixed to the application at the offices of the governor's designee.

8.3(2) All applications that are submitted for receipt pursuant to the provisions of subrule 8.4(2) shall be considered simultaneously received at the opening of business on the first business day of the calendar year, and the same date, hour and minute shall be stamped on each application so received.

a. If the total amount of allocations requested in all of the applications received pursuant to subrule 8.4(2) that seek allocations of bonds for industries pursuant to Iowa Code subsection 7C.4A(5) exceed the amount of the state ceiling available for that purpose, the applications will be considered for allocation in the order determined pursuant to the procedures set forth in paragraph 8.3(3)*"a."*

b. If the total amount of allocations requested in all of the applications received pursuant to subrule 8.4(2) that seek allocations of private activity bonds issued by public subdivisions, the proceeds of which are used by the issuing subdivision pursuant to Iowa Code section 7C.4A(6), exceed the amount of the state ceiling available for that purpose, the applications will be considered for allocation in the order determined pursuant to the procedures set forth in paragraph 8.3(3)*"b."*

8.3(3) Allocation process.

a. In order to determine the order of allocation of the state ceiling to each of the applications for industrial purposes that are simultaneously received pursuant to subrules 8.4(2) and 8.4(4), each application shall be assigned a preference number determined by a random drawing conducted at 10 a.m. on the first day of business of the calendar year at the Iowa finance authority offices. Any person desiring to attend and witness the drawing and assigning of preference numbers may do so. Each application shall be assigned an identification code that shall be written on the outside of the sealed envelope containing the application. The identification codes shall be written on strips of paper and placed in individual envelopes and sealed. The sealed envelopes containing identification codes shall be placed in a container, mixed, and drawn from the container at random by a member of the authority's staff. The application corresponding with the identification code that is drawn first shall be placed first on the list of applicants to receive an allocation of the state ceiling. The application corresponding with the identification code that is selected second shall be placed second on the list, and so forth. Drawings shall continue until all applications are assigned a place on the list of applications received.

b. In order to determine the order of allocation of the state ceiling to each of the applications for state ceiling for political subdivisions that are simultaneously received pursuant to subrules 8.4(2) and 8.4(4), each application shall be assigned a preference number determined by a random drawing conducted at 10 a.m. on the first day of business of the calendar year at the Iowa finance authority offices. Any person desiring to attend and witness the drawing and assigning of preference numbers may do so.

Applications shall be assigned an identification code that shall be written on the outside of the sealed envelope containing the application. The identification codes shall be written on strips of paper and placed in individual envelopes and sealed. The sealed envelopes containing identification codes shall be placed in a container, mixed, and drawn from the container at random by a member of the authority's staff. The application corresponding with the identification code that is drawn first shall be placed first on the list of applicants to receive an allocation of the state ceiling. The application corresponding with the identification code that is selected second shall be placed second on the list, and so forth. Drawings shall continue until all applications are assigned a place on the list of applications received.

8.3(4) The governor's designee shall maintain one list of applications for private activity bonds for the purpose of industries and a separate list for applications for private activity bonds for the use of political subdivisions. The applications that are simultaneously received pursuant to subrules 8.4(2) and 8.4(4) shall be listed in the order of preferences established pursuant to paragraphs 8.3(3)*"a"* and 8.3(3)*"b."* Applications received after the opening of the first day of business of a calendar year shall be added to the appropriate list depending upon the subject of the application in the chronological order received.

8.3(5) Formula for allocations following June 30 of each year. As permitted by Iowa Code section 7C.5, following June 30 of each year issuers which initially applied for state ceiling allocated under Iowa Code section 7C.4A(6) for bonds, the proceeds of which are to be used by the issuing political subdivision, shall be given priority over any applications received for state ceiling for bonds otherwise requiring an allocation under Section 146 of the Internal Revenue Code.

This rule is intended to implement Iowa Code sections 7C.4A(7)*"a"* and 7C.5.

265—8.4(7C) Application for allocation.

8.4(1) An issuer or beneficiary, or the duly authorized agent of an issuer or beneficiary, must make an application by filing the form available from the governor's designee entitled, "Application and Response," for the allocation of a portion of the private activity bond state ceiling.

8.4(2) Applications for any given calendar year may be submitted to the Iowa finance authority offices during the month of December of the previous year with a request that the application be treated as received when the authority opens for business on the first business day of the calendar year for which the application is made. Applications submitted in this manner must be contained in a sealed envelope that is clearly marked with words such as: "This application for private activity bond allocation for year 2001 is to be held for constructive delivery and receipt, and stamped 'received' by the Iowa Finance Authority upon the opening of business on the first business day of calendar year 2001." Applicants should also indicate on the outside of the sealed envelope the type of bond for which application is made and the amount requested. There may be only one application for each separate project. All applications so received will be deemed received simultaneously as of the date, hour and minute of the opening of business of the Iowa finance authority on the first business day of the calendar year for which application is made. Expired applications made in previous years may be resubmitted to the authority pursuant to this procedure.

8.4(3) Applications for any given calendar year may be submitted to the Iowa finance authority offices at any time during the calendar year. Applications must be contained in a sealed envelope that is clearly marked with the year for which the application is made, the type of bond sought, and the amount of the state ceiling requested. Applications received during the calendar year will be immediately stamped with the day, hour and minute they are received by the authority.

8.4(4) All applications received pursuant to the provisions of subrule 8.4(2) will be deemed to have been received simultaneously on the date, hour and minute that the authority opens for business on the first business day of the year for which the applications are made.

This rule is intended to implement Iowa Code sections 7C.4A and 7C.5.

265—8.5(7C) Certification of allocation. This rule implements 2000 Iowa Acts, chapter 1166, section 8, providing that "for the calendar year beginning January 1, 2001, applications for the state ceiling allocation under [Iowa Code] section 7C.4A, subsection 5, shall not be approved prior to March 1." For

the calendar year beginning January 1, 2001, unless Iowa Code chapter 7C has been otherwise amended, upon receipt of a completed application, the governor's designee shall promptly, commencing March 1, 2001, certify to the issuer the amount of the state ceiling allocated to the bonds for the purpose of the project for which the application was submitted, in the order as determined by Iowa Code chapter 7C and rules 8.3(7C) and 8.4(7C). The governor's designee shall continue to allocate the state ceiling for each purpose separately until all the available state ceiling for that purpose is fully allocated. If there is not sufficient available state ceiling to fully fund an application which is next in order for allocation, the governor's designee shall notify the applicant of the amount that is available and the applicant shall have the option to take what is available within five calendar days of receiving notice of availability. If the applicant does not notify the governor's designee of its decision to take the available allocation within five calendar days of receiving notice of that option, the available state ceiling shall be offered to the next application on the list under the same conditions, and the initial offeree will maintain its position on the list. If the partial allocation is accepted, the applicant shall submit a new application for additional state ceiling and that application will be added to the bottom of the list in the chronological order of its receipt.

If the bonds are issued and delivered prior to the expiration date of the allocation, then the issuer or the issuer's attorney shall within ten days following the issuance and delivery of the bonds notify the governor's designee by filing the form captioned "Notice of Issuance and Delivery of Bonds." Upon receipt of the form the governor's designee shall return a time-stamped copy of the form to the issuer or issuer's attorney.

265—8.6(7C) State ceiling carryforwards. In the event the aggregate principal amount of bonds issued by all issuers in a calendar year is less than the state ceiling for that calendar year, then an issuer may apply to the governor's designee for an allocation of a specified portion of the excess state ceiling to be applied to a specified carryforward project. The application must be in writing and shall comply with the carryforward provisions of Section 103(n) of the Internal Revenue Code and regulations promulgated under that section. All applications for carryforward of state ceiling must be filed with the governor's designee by December 31 of the calendar year for which the allocation is to be carried forward from.

265—8.7(7C) Expiration dates. If the expiration date of either the 90-day period or any 30-day extension period is a Saturday, Sunday or any day on which the offices of the state banking institutions or savings and loan associations in the state are authorized or required to close, the expiration date is extended to the first day thereafter which is not a Saturday, Sunday or previously described day.

265—8.8(7C) Resubmission of expired allocations. If an allocation expires, the issuer may resubmit its application for the same project or purpose. However, the resubmitted application shall be treated as a new application, and preference, priority or prejudice shall not be given to the application or the issuer as a result of the prior application.

265—8.9(7C) Use by political subdivisions. With respect to the amount of the state ceiling allocated for the purpose of private activity bonds issued by political subdivisions, the proceeds of which are used by the issuing political subdivisions, the political subdivision must use the proceeds to finance a project owned or utilized directly by the political subdivision, or finance a program of the political subdivision which the legislature by statute has authorized or directed the political subdivision to implement.

This rule is intended to implement Iowa Code section 7C.4A(6).

265—8.10(7C) Application and allocation fees. The Iowa finance authority may charge reasonable fees for providing administrative assistance with regard to the filing of applications and the allocation of the private activity bond state ceiling in accordance with these rules. A fee of 1 basis point (.01%) of the amount of state ceiling for which application is made shall be paid by the applicant upon filing the application with the governor's designee. An additional fee of 1 basis point shall be paid by the applicant upon receipt of the certification by the governor's designee of the state ceiling allocated.

265—8.11(7C) Supplemental cap allocation for 2008. The supplemental state ceiling received by the state of Iowa in calendar year 2008 for housing purposes as a result of federal legislation known as the Housing and Economic Recovery Act of 2008 shall be allocated by the governor's designee to the Iowa finance authority for such single-family and multifamily uses as the authority deems necessary and appropriate to ensure full and efficient use of the supplemental state ceiling.

This rule is intended to implement Iowa Code section 7C.12 and the Housing and Economic Recovery Act of 2008, H.R. 3221.

[**ARC 7579B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code chapter 7C.

[Filed emergency 10/18/85—published 11/6/85, effective 10/18/85]
[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]
[Filed emergency 12/20/00 after Notice 11/15/00—published 1/10/01, effective 12/20/00]
[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]
[Filed ARC 7579B (Notice ARC 7101B, IAB 8/27/08), IAB 2/25/09, effective 4/1/09]

LIBRARIES AND INFORMATION SERVICES DIVISION[286]

[Prior to 6/26/91, see Library Department [560] Ch 1]
[Prior to 3/30/94, see Cultural Affairs Department[221], Library Division[224], Chs 1 and 6]

CHAPTER 1
ORGANIZATION AND OPERATION

1.1(256)	Definitions
1.2	Reserved
1.3(256)	Organization and operation
1.4(256)	Information delivery
1.5(256)	Access to library's collections
1.6(256)	Collection policy of the library
1.7(256)	Disposal of library materials

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

2.1(17A,22)	Definitions
2.3(17A,22)	Requests for access to records
2.9(17A,22)	Disclosures without the consent of the subject
2.10(17A,22)	Routine use
2.11(17A,22)	Consensual disclosure of confidential records
2.12(17A,22)	Release to subject
2.13(17A,22)	Availability of records
2.14(17A,22)	Personally identifiable information
2.15(17A,22)	Other groups of records
2.16(17A,22)	Data processing systems
2.17(17A,22)	Applicability

CHAPTER 3
STATEWIDE PROGRAMS AND AGREEMENTS

3.1(256)	State of Iowa Libraries Online (SILO)
3.2(256)	Enrich Iowa program
3.3(256)	Open Access
3.4(256)	Access Plus
3.5	Reserved
3.6(256)	In Service to Iowa: Public Library Measures of Quality
3.7(256)	Iowa Certification Program for Public Librarians
3.8(256)	Summer library program
3.9(256)	Iowa Depository for Iowa Publications Purpose

CHAPTER 4
ICN CLASSROOM POLICY

4.1(256)	Definitions
4.2(256)	Primary use
4.3(256)	Library hours, access, and information
4.4(256)	Charges and financial responsibility
4.5(256)	ICN room requests and scheduling process
4.6(256)	First time use and training
4.7(256)	Accommodations for handicapped

4.8(256) Financial responsibility for damage
4.9(256) Food and nonalcoholic beverages
4.10(256) Smoking
4.11(256) Endorsement
4.12(256) Visitor parking
4.13(256) Copyrighted material

CHAPTER 5
Reserved

CHAPTER 6
LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) PROGRAM
6.1(256) Description
6.2(256) Advisory councils
6.3(256) Process

CHAPTER 7
INTERNET USE POLICY
7.1(256) Rights and responsibilities
7.2(256) Access to Internet computers
7.3(256) Costs
7.4(256) Internet services available
7.5(256) Downloading and saving files
7.6(256) Staff assistance

CHAPTER 8
IOWA REGIONAL LIBRARY SYSTEM
8.1(256) Purpose
8.2(256) Definitions
8.3(256) Organization
8.4(256) Governance
8.5(256) Services
8.6(256) State library of Iowa
8.7(256) Planning

CHAPTER 9
APPOINTMENT PROCESS FOR LIBRARY SERVICE AREA BOARDS OF TRUSTEES
9.1(256) Definitions
9.2(256) Authority
9.3(256) Board overview
9.4(256) Appointments
9.5(256) Review process

CHAPTER 10
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES
10.1(17A) Scope of chapter
10.2(17A) Definitions
10.3(17A) Applicability
10.4(17A) Commission discretion
10.5(17A) Requester's responsibilities in filing a petition for waiver or variance
10.6(17A) Notice
10.7(17A) Commission's responsibilities regarding petition for waiver or variance
10.8(17A) Public availability
10.9(17A) Voiding or cancellation

10.10(17A) Violations
10.11(17A) Defense
10.12(17A) Judicial review
10.13(17A) Summary reports

CHAPTER 11
DECLARATORY ORDERS

11.1(17A) Definitions
11.2(17A) Petition for declaratory order
11.3(17A) Notice of petition
11.4(17A) Intervention
11.5(17A) Briefs
11.6(17A) Inquiries
11.7(17A) Service and filing of petitions and other papers
11.8(17A) Consideration
11.9(17A) Action on petition
11.10(17A) Refusal to issue order
11.11(17A) Contents of declaratory order—effective date
11.12(17A) Copies of orders
11.13(17A) Effect of a declaratory order

CHAPTER 12
PETITIONS FOR RULE MAKING

12.1(17A,256) Petition for rule making
12.2(17A,256) Inquiries

CHAPTER 10
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

286—10.1(17A) Scope of chapter. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the commission in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.2(17A) Definitions.

"Commission" means the commission of libraries established by Iowa Code section 256.52.

"Division" means the division of libraries and information services of the department of education.

"Person" means an individual, library, government or governmental subdivision or agency, partnership or association, or any legal entity.

"Waiver or variance" means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.3(17A) Applicability.

10.3(1) The commission may grant a waiver or variance from a rule adopted by the commission only if (1) the commission has jurisdiction over the rule; (2) no statute or rule otherwise controls the granting of a waiver or variance from the rule from which waiver or variance is requested; and (3) the requested waiver or variance is consistent with applicable statutes, constitutional provisions, or other provisions of law.

10.3(2) No waiver or variance may be granted from a requirement which is imposed by statute.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.4(17A) Commission discretion. The decision on whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the commission upon consideration of all relevant factors. Each petition for a waiver or variance shall be evaluated by the commission based on the unique, individual circumstances set out in the petition.

10.4(1) *Criteria for waiver or variance.* In determining whether a waiver or variance should be granted, the commission shall consider the public interest, policies and legislative intent of the statute on which the rule is based. When the rule from which a waiver or variance is sought establishes administrative deadlines, the commission shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons. The commission may, in response to a completed petition, grant a waiver or variance from a rule, in whole or in part, as applied to the circumstances of a specified situation if the commission finds all of the following:

a. The application of the rule would result in an undue hardship on the person for whom the waiver or variance is requested;

b. The waiver or variance from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

10.4(2) *Special waiver or variance rules not precluded.* These uniform waiver and variance rules shall not preclude the commission from granting waivers or variances in other contexts if a statute or other rule authorizes the commission to do so and the commission deems it appropriate to do so.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.5(17A) Requester's responsibilities in filing a petition for waiver or variance.

10.5(1) *Application.* All petitions for waiver or variance must be submitted in writing to the State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

10.5(2) *Content of petition.* A petition for waiver or variance shall include the following information where applicable and known to the requester:

a. A description and citation of the specific rule from which a waiver or variance is requested.

b. The specific waiver or variance requested, including the precise scope and operative period that the waiver or variance will extend.

c. The relevant facts that the petitioner believes would justify a waiver or variance under each of the four criteria specified in paragraphs *"a"* through *"d"* of subrule 10.4(1).

d. A signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver or variance.

e. A history of any prior contacts between the commission and the petitioner or between the division and the petitioner within the past five years.

f. Any information known to the requester regarding the treatment of similar cases by the commission.

g. The name, address, and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of a waiver or variance.

h. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver or variance.

j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver or variance.

10.5(3) *Burden of persuasion.* When a petition is filed for a waiver or variance from a rule, the burden of persuasion shall be on the petitioner to demonstrate by clear and convincing evidence that the commission should exercise the commission's discretion to grant the petitioner a waiver or variance.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.6(17A) Notice. The commission shall acknowledge a petition upon receipt. The commission shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been provided.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.7(17A) Commission's responsibilities regarding petition for waiver or variance.

10.7(1) *Additional information.* Prior to issuing an order granting or denying a waiver or variance, the commission may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the commission may, on the commission's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission.

10.7(2) *Hearing procedures.* The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply in three situations: (1) to any petition for a waiver or variance of a rule filed within a contested case; (2) when the commission so provides by rule or order; or (3) when a statute so requires.

10.7(3) *Ruling.* An order granting or denying a waiver or variance shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a

statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

10.7(4) *Conditions.* The commission may place any condition on a waiver or variance that the commission finds desirable to protect the public health, safety, and welfare.

10.7(5) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

10.7(6) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

10.7(7) *Time for ruling.* The commission shall grant or deny a petition for a waiver or variance as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the commission shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

10.7(8) *When deemed denied.* Failure of the commission to grant or deny a petition within the required time period shall be deemed a denial of that petition by the commission.

10.7(9) *Service of order.* Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.8(17A) Public availability. All orders granting or denying waivers and variances under this chapter shall be indexed, filed and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver or variance and orders granting or denying a waiver or variance petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information that the commission is authorized or required to keep confidential. The commission may accordingly redact confidential information from petitions or orders prior to public inspection.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.9(17A) Voiding or cancellation. A waiver or variance is void if the material facts upon which the request or petition is based are not true or if material facts have been withheld. A waiver or variance issued by the commission pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and opportunity for hearing, the commission issues an order finding any of the following:

1. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or
2. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or
3. The subject of the waiver order has failed to comply with any conditions contained in the order.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.10(17A) Violations. Violation of conditions in the waiver or variance order is the equivalent of violation of the particular rule for which the waiver or variance is granted and is subject to the same remedies or penalties.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.11(17A) Defense. After the commission issues an order granting a waiver or variance, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.12(17A) Judicial review. Granting or denying a request for waiver or variance is final agency action under Iowa Code chapter 17A. Judicial review of the decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

286—10.13(17A) Summary reports. Semiannually, the division shall prepare a summary report identifying the rules for which a waiver has been granted or denied by the commission, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the commission's actions on waiver requests. If practicable, the report shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself. Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.
[**ARC 7596B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed ARC 7596B (Notice ARC 7464B, IAB 12/31/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 11
DECLARATORY ORDERS

286—11.1(17A) Definitions.

"Division" means the division of libraries and information services of the department of education.

"Person" means an individual, library, government or governmental subdivision or agency, partnership or association, or any legal entity.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.2(17A) Petition for declaratory order. Any person may file a petition with the division for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the division, at the State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the division. The division shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the division an extra copy for this purpose. The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

DIVISION OF LIBRARIES AND INFORMATION SERVICES

Petition by (Name of Petitioner) for a Declaratory Order on (Cite provisions of law involved).	}	PETITION FOR DECLARATORY ORDER

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any governmental entity.
7. The names and addresses of other persons or a description of any class of persons known by petitioner to be affected by or interested in the questions presented in the petition.
8. Any request by petitioner for a meeting provided for by rule 11.8(17A).

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.3(17A) Notice of petition. Within 15 days after receipt of a petition for a declaratory order, the division shall give notice of the petition to all persons not served by the petitioner pursuant to whom notice is required by any provision of law. The division may also give notice to any other persons.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.4(17A) Intervention.

11.4(1) Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within 15 days of the filing of a petition for declaratory order (after time for notice under rule 11.3(17A) and before 30-day time for division action under rule 11.9(17A)) shall be allowed to intervene in a proceeding for a declaratory order.

11.4(2) Any person who files a petition for intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the division.

11.4(3) A petition for intervention shall be filed at the State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319. Such a petition is deemed filed when it is received by that office. The division will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. The petition must be dated and signed by the intervenor or the intervenor's representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor's representative, and a statement indicating the person to whom communications should be directed. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

DIVISION OF LIBRARIES AND INFORMATION SERVICES

Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law involved).	}	PETITION FOR INTERVENTION

The petition for intervention must provide the following information:

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any governmental entity.
5. The names and addresses of any additional persons or a description of any additional class of persons known by the intervenor to be affected by or interested in the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.5(17A) Briefs. The petitioner or any intervenor may file a brief in support of the position urged. The division may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.6(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the State Librarian, State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.7(17A) Service and filing of petitions and other papers.

11.7(1) *When service required.* Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served upon each of the parties of record to the proceeding, and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented, simultaneously with a filing. The party filing a document is responsible for service on all parties and other affected or interested persons.

11.7(2) *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the State Librarian, State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319.

[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.8(17A) Consideration. Upon request by petitioner, the division must schedule a brief and informal meeting between the original petitioner, all intervenors, and a member of the division to discuss the questions raised. The division may solicit comments from any person on the questions raised. Also, comments on the questions raised may be submitted to the division by any person.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.9(17A) Action on petition. Within the time allowed by Iowa Code section 17A.9, after receipt of a petition for a declaratory order, the division shall take action on the petition as required by Iowa Code section 17A.9.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.10(17A) Refusal to issue order.

11.10(1) The division shall not issue a declaratory order where prohibited by Iowa Code section 17A.9 and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

1. The petition does not substantially comply with the required form.
2. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the division to issue an order.
3. The division does not have jurisdiction over the questions presented in the petition.
4. The questions presented by the petition are also presented in a current rule making, contested case, or other agency or judicial proceeding that may definitively resolve them.
5. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
6. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
7. There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.
8. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge an agency decision already made.
9. The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.
10. The petitioner requests that the division determine whether a statute is unconstitutional on its face.

11.10(2) A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final agency action on the petition.

11.10(3) A refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the refusal to issue a ruling.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.11(17A) Contents of declaratory order—effective date. In addition to the order itself, a declaratory order must contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion. A declaratory order is effective on the date of issuance.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.12(17A) Copies of orders. Copies of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

286—11.13(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the division, the petitioner,

and any intervenors who consent to be bound and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the division. The issuance of a declaratory order constitutes final agency action on the petition.
[**ARC 7597B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code section 17A.9.

[Filed ARC 7597B (Notice ARC 7465B, IAB 12/31/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 12
PETITIONS FOR RULE MAKING

286—12.1(17A,256) Petition for rule making. A petition requesting the adoption, amendment, or repeal of a rule shall be filed with the division of libraries and information services, at the State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the division. The division shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the division an extra copy for this purpose.

12.1(1) The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

DIVISION OF LIBRARIES AND INFORMATION SERVICES

Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	}	PETITION FOR RULE MAKING

12.1(2) The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the petition is based.
2. The precise citation to the present rule if the petition is for the amendment or repeal of the same.
3. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, and any other relevant law.
4. A summary of the reasons for requesting the adoption, amendment or repeal of a rule.
5. Full disclosure of the petitioner's interest in the outcome of the petition.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the issue(s) raised by the petition and whether, to the petitioner's knowledge, that issue(s) has been decided by, is pending determination by, or is under investigation by, any other governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the issue(s) presented in the petition.

12.1(3) The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

[**ARC 7598B**, IAB 2/25/09, effective 4/1/09]

286—12.2(17A,256) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the State Librarian, State Library, Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319.

[**ARC 7598B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code sections 17A.7 and 256.52.

[Filed ARC 7598B (Notice ARC 7466B, IAB 12/31/08), IAB 2/25/09, effective 4/1/09]

ELDER AFFAIRS DEPARTMENT[321]

Prior to 5/20/87, see Commission on the Aging[20]
Delay: Effective date (June 24, 1987) of Chapters 1 to 18 delayed 70 days pursuant to Iowa Code section 17A.4(5) by the Administrative Rules Review Committee at their June 9, 1987, meeting.

CHAPTER 1
INTRODUCTION, ABBREVIATIONS AND DEFINITIONS

1.1(231) Authority and purpose
1.2(231) Other regulations and order of precedence
1.3(231) Applicability
1.4(231) Abbreviations
1.5(231) Definitions

CHAPTER 2
DEPARTMENT OF ELDER AFFAIRS

2.1(231) Mission statement
2.2(231) Definitions
2.3(231) Department established
2.4(231) Director
2.5(231) Organizational units of the department
2.6(231) Staffing
2.7(231) Discrimination
2.8(231) Affirmative action plans
2.9(231) Department complaint and appeal procedures
2.10(231) Severability

CHAPTER 3
COMMISSION OF ELDER AFFAIRS

3.1(231) Definitions
3.2(231) Purpose of the commission
3.3(21,231) Organization of the commission and proceedings
3.4(231) Commission duties and authority

CHAPTER 4
DEPARTMENT PLANNING RESPONSIBILITIES

4.1(231) Definitions
4.2(231) State plan on aging
4.3(231) Designation of PSA
4.4(231) Designation of AAA
4.5(231) Types of entities that qualify as an AAA
4.6(231) Multipurpose entity
4.7(231) Request for waiver
4.8(231) Applicant qualification and preference
4.9(231) Procedure for designation of an AAA
4.10(231) Withdrawal of AAA designation
4.11(231) Procedures for withdrawal of AAA designation
4.12(231) Department action subsequent to withdrawal
4.13(231) Technical assistance
4.14(231) Severability

CHAPTER 5
DEPARTMENT FISCAL POLICY

5.1(231) Definitions
5.2(231) Grants to area agencies on aging
5.3(231) Limitations on use
5.4(231) Expenditures in rural areas
5.5(231) Funding formulas
5.6(231) State appropriations and case management allotments
5.7(231) Program allotment calculations
5.8(231) Funding estimates
5.9(231) Matching funds
5.10(231) Allowable use of federal and state funds for multiyear area plan administration
5.11(231) Reallotment
5.12(231) Restriction on delegation of authority to other agencies
5.13(231) Records and reports
5.14(231) State reviews and audits
5.15(231) Acquisition of goods and services
5.16(231) Restrictions for multipurpose agencies designated as AAA
5.17(231) Records—contract administration
5.18(231) Recapture of funds for facilities
5.19(231) Property management

CHAPTER 6
AREA AGENCY ON AGING PLANNING AND ADMINISTRATION

6.1(231) Definitions
6.2(231) Area plan
6.3(231) Area agency administration
6.4(231) Confidentiality and disclosure of AAA information
6.5(231) AAA contact information
6.6(231) Duties of AAA
6.7(231) AAA board of directors
6.8(231) AAA advisory council
6.9(231) Emergency situations
6.10(231) AAA procedures manual
6.11(231) Contracts and subgrants
6.12(231) Direct service
6.13(231) Noncompliance
6.14(231) Priority service expenditures
6.15(231) Waivers of priority service expenditures
6.16(231) Requirements for service providers
6.17(231) Entrepreneurial activities of AAA
6.18(231) Severability

CHAPTER 7
AREA AGENCY ON AGING SERVICE DELIVERY

7.1(231) Definitions
7.2(231) Service delivery
7.3(231) Outreach for greatest need
7.4(231) Delivery of service
7.5(231) Funding for services and program facilities
7.6(231) Compliance with health, safety and construction requirements
7.7(231) Term of use of an acquired or constructed facility

7.8(231) Restrictions
7.9(231) Information and assistance services
7.10(231) Legal assistance requirements
7.11(231) Disease prevention and health promotion under Title III-D of the Act
7.12(231) Nutrition services
7.13(231) AOA NSIP programs
7.14(231) Nutrition performance standards
7.15(231) Food standards
7.16(231) Food-borne illness
7.17(231) Menus
7.18(231) Special dietary needs
7.19(231) Congregate nutrition services
7.20(231) Eligibility for meals at congregate nutrition sites
7.21(231) Home-delivered meals
7.22(231) Noncompliance
7.23(231) Requirements for opening or closing congregate nutrition sites
7.24(231) Evaluation of sites

CHAPTER 8
LONG-TERM CARE RESIDENT'S ADVOCATE/OMBUDSMAN

8.1(231) Definitions
8.2(231) Purpose
8.3(231) Long-term care resident's advocate/ombudsman duties
8.4(231) Access requirements
8.5(231) Authority and responsibilities of the department
8.6(231) Volunteer long-term care ombudsman program

CHAPTER 9
RESIDENT ADVOCATE COMMITTEES

9.1(231) Definitions
9.2(231) Resident advocate committees established
9.3(231) Application for committee membership
9.4(231) Appointment to resident advocate committees
9.5(231) Objection to and termination of appointments to resident advocate committees
9.6(231) Request for reconsideration of appointment or termination of appointment
9.7(231) Resident advocate committee structure and procedures
9.8(231) Duties of the committee
9.9(231) Committee access and assistance
9.10(231) Confidentiality
9.11(231) Committee response to complaints and grievances
9.12(231) Complaints referred from the department of inspections and appeals
9.13(231) Accountability measures
9.14(231) Reporting statistics
9.15(231) Severability

CHAPTER 10
SENIOR INTERNSHIP PROGRAM (SIP)

10.1(231) Scope and purpose
10.2(231) Definitions
10.3(231) Eligibility for service
10.4(231) Funding
10.5(231) Program requirements
10.6(231) Funding criteria

10.7(231) Monitoring and record keeping
10.8(231) Severability

CHAPTER 11
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

11.1(17A,231,ExecOrd11) Definitions
11.2(17A,231,ExecOrd11) Scope of chapter
11.3(17A,231,ExecOrd11) Applicability of chapter
11.4(17A,231,ExecOrd11) Criteria for waiver or variance
11.5(17A,231,ExecOrd11) Filing of petition
11.6(17A,231,ExecOrd11) Content of petition
11.7(17A,231,ExecOrd11) Additional information
11.8(17A,231,ExecOrd11) Notice
11.9(17A,231,ExecOrd11) Hearing procedures
11.10(17A,231,ExecOrd11) Ruling
11.11(17A,22,231,ExecOrd11) Public availability
11.12(17A,22,231,ExecOrd11) Summary reports
11.13(17A,231,ExecOrd11) Cancellation of a waiver
11.14(17A,231,ExecOrd11) Violations
11.15(17A,231,ExecOrd11) Defense
11.16(17A,231,ExecOrd11) Judicial review
11.17(17A,231,ExecOrd11) Severability

CHAPTER 12
ELDER ABUSE, NEGLECT OR EXPLOITATION PREVENTION AND AWARENESS AND MANDATORY REPORTER TRAINING

12.1(231) Authority
12.2(231) Purpose
12.3(231) Elder Abuse, neglect, or exploitation prevention and public awareness
12.4(231,235B) Dependent adult abuse mandatory reporter training

CHAPTER 13
RULES AND PRACTICES IN CONTESTED CASES

13.1(17A) Scope and applicability
13.2(17A) Definitions
13.3(17A) Time requirements
13.4(17A) Requests for contested case proceeding
13.5(17A) Notice of hearing
13.6(17A) Presiding officer
13.7(17A) Waiver of procedures
13.8(17A) Telephone proceedings
13.9(17A) Disqualification
13.10(17A) Consolidation—severance
13.11(17A) Pleadings
13.12(17A) Service and filing of pleadings and other papers
13.13(17A) Discovery
13.14(17A) Subpoenas
13.15(17A) Motions
13.16(17A) Prehearing conference
13.17(17A) Continuances
13.18(17A) Withdrawals
13.19(17A) Intervention
13.20(17A) Hearing procedures

13.21(17A) Evidence
13.22(17A) Default
13.23(17A) Ex parte communication
13.24(17A) Recording costs
13.25(17A) Interlocutory appeals
13.26(17A) Final decision
13.27(17A) Appeals and review
13.28(17A) Applications for rehearing
13.29(17A) Stays of department actions
13.30(17A) No factual dispute contested cases
13.31(17A) Emergency adjudicative proceedings
13.32(17A) Informal settlement

CHAPTER 14
IOWA FAMILY CAREGIVER SUPPORT PROGRAM

14.1(231,249H) Purpose
14.2(231,249H) Definitions
14.3(231,249H) Eligibility for services
14.4(231,249H) Priorities for service
14.5(231,249H) Coordination
14.6(231,249H) Service categories
14.7(231,249H) Conflict of interest
14.8(231,249H) Confidentiality
14.9(231,249H) Quality standards
14.10(231,249H) Reports
14.11(231,249H) Failure to meet program requirements; waiver of standards
14.12(231,249H) Severability

CHAPTER 15
ELDER ABUSE INITIATIVE, EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS

15.1(231) Authority
15.2(231) Purpose
15.3(231) Definitions
15.4(231,249H) Funding
15.5(231) Eligibility
15.6(231) Application process
15.7(231) Reporting and monitoring

CHAPTER 16
SENIOR LIVING COORDINATING UNIT

16.1(231,249H) Definitions
16.2(231,249H) Organization of the unit and proceedings
16.3(231,249H) Chairperson and vice-chairperson duties
16.4(21,231,249H) Meetings
16.5(231,249H) Communications

CHAPTER 17
PETITION FOR RULE MAKING
(Uniform Rules)

17.1(17A) Petition for rule making
17.3(17A) Inquiries

CHAPTER 18
DECLARATORY ORDERS

18.1(17A)	Petition for declaratory order
18.2(17A)	Notice of petition
18.3(17A)	Intervention
18.4(17A)	Briefs
18.5(17A)	Inquiries
18.6(17A)	Service and filing of petitions and other papers
18.7(17A)	Consideration
18.8(17A)	Action on petition
18.9(17A)	Refusal to issue order
18.10(17A)	Contents of declaratory order—effective date
18.11(17A)	Copies of orders
18.12(17A)	Effect of a declaratory order

CHAPTER 19
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

19.1(17A,22)	Definitions
19.3(17A,22)	Requests for access to records
19.9(17A,22)	Disclosures without consent of the subject
19.10(17A,22)	Routine use
19.11(17A,22)	Consensual disclosure of confidential records
19.12(17A,22)	Release to subject
19.13(17A,22)	Availability of records
19.14(17A,22)	Personally identifiable information
19.15(17A,22)	Other groups of records
19.16(17A,22)	Data processing systems
19.17(17A,22)	Applicability

CHAPTER 20
Reserved

CHAPTER 21
CASE MANAGEMENT PROGRAM FOR FRAIL ELDERS

21.1(231)	Authority
21.2(231)	Purpose
21.3(231)	Definitions
21.4(231)	Program administration
21.5(231)	Eligibility for CMPFE services
21.6(231)	Admission into the case management program
21.7(231)	Discharge from CMPFE
21.8(231)	Organizational requirements
21.9(231)	Personnel qualifications
21.10(231)	Covered services
21.11(231)	Assessment of consumer needs
21.12(231)	Service plan development
21.13(231)	Monitoring
21.14(231)	Reassessment
21.15(231)	Confidentiality
21.16(231)	Contracting for case management services
21.17(231)	Severability

CHAPTER 22
OFFICE OF SUBSTITUTE DECISION MAKER

22.1(231E,633) Purpose
22.2(231E,633) Definitions
22.3(231E,633) Substitute decision maker qualifications
22.4(231E,633) Ethics and standards of practice
22.5(231E,633) Staffing ratio
22.6(231E,633) Conflict of interest—state office
22.7(231E,633) Consumers eligible for services
22.8(231E,633) Application and intake process—guardianship, conservatorship, representative payee and personal representative
22.9(231E,633) Application and intake process—power of attorney
22.10(231E,633) Case records
22.11(231E,633) Confidentiality
22.12(231E,633) Termination or limitation
22.13(231E,633) Service fees
22.14(231E,633) Fee schedule
22.15(231E,633) Denial of services—appeal
22.16(231E,633) Contesting the actions of a guardian or conservator
22.17(231E,633) Contesting the actions of an attorney-in-fact
22.18(231E,633) Severability

CHAPTER 23
Reserved

CHAPTER 24
ADULT DAY SERVICES PROGRAMS

24.1(231D) Definitions
24.2(231D) Program certification
24.3(231D) Certification of a nonaccredited program
24.4(231D) Nonaccredited program application content
24.5(231D) Initial certification process for nonaccredited program
24.6(231D) Recertification of nonaccredited program
24.7(231D) Recertification process for nonaccredited program
24.8(231D) Notification of recertification
24.9(231D) Certification and recertification process for an accredited program
24.10(231D) Accredited program certification or recertification application content
24.11(231D) Initial certification process for accredited program
24.12(231D) Recertification for accredited program
24.13(231D) Duration of certification for all programs
24.14(231D) Recognized accrediting entity
24.15(231D) Requirements for accredited adult day services programs
24.16(231D) Maintenance of program accreditation
24.17(231D) Transfer of certification
24.18(231D) Structural and life safety reviews for a new program
24.19(231D) Structural and life safety reviews for existing programs
24.20(231D) Structural and life safety review prior to the remodeling of a building for certified programs
24.21(231D) Emergency response policies and procedures review
24.22(231D) Program alteration
24.23(231D) Cessation of program operation
24.24(231D) Contractual agreement

24.25(231D) Admission to and transfer from a program
24.26(231D) Waiver of admission and retention criteria
24.27(231D) Criteria for granting admission and retention waivers
24.28(231D) Participant documents
24.29(231D) Service plan
24.30(231D) Medications
24.31(231D) Nurse review
24.32(231D) Nursing assistant work credit
24.33(231D) Food service
24.34(231D) Staffing
24.35(231D) Dementia-specific education for personnel
24.36(231D) Another business or activity in an adult day services program
24.37(231D) Managed risk statement
24.38(231D) Life safety—emergency policies and procedures and structural safety requirements
24.39(231D) Transportation
24.40(231D) Activities
24.41(231D) Structural requirements
24.42(231D) Interpretive guidelines

CHAPTER 25
ASSISTED LIVING PROGRAMS

25.1(231C) Definitions
25.2(231C) Program certification
25.3(231C) Certification of a nonaccredited program
25.4(231C) Nonaccredited program application content
25.5(231C) Initial certification process for a nonaccredited program
25.6(231C) Recertification of a nonaccredited program
25.7(231C) Recertification process for a nonaccredited program
25.8(231C) Notification of recertification for a nonaccredited program
25.9(231C) Certification and recertification process for an accredited program
25.10(231C) Accredited program certification or recertification application content
25.11(231C) Initial certification process for an accredited program
25.12(231C) Recertification process for an accredited program
25.13(231C) Duration of certification for all programs
25.14(231C) Recognized accrediting entity
25.15(231C) Requirements for an accredited program
25.16(231C) Maintenance of program accreditation
25.17(231C) Transfer of certification
25.18(231C) Structural and life safety reviews for a new program
25.19(231C) Structural and life safety review prior to the remodeling of a building for a certified program
25.20(231C) Emergency response policies and procedures review
25.21(231C) Cessation of program operation
25.22(231C) Occupancy agreement
25.23(231C) Occupancy in and transfer from a program
25.24(231C) Waiver of occupancy and retention criteria
25.25(231C) Criteria for granting occupancy and retention waivers
25.26(231C) Involuntary transfer
25.27(231C) Tenant documents
25.28(231C) Service plan
25.29(231C) Medications
25.30(231C) Nurse review

25.31(231C) Nursing assistant work credit
25.32(231C) Food service
25.33(231C) Staffing
25.34(231C) Dementia-specific education for program personnel
25.35(231C) Another business or activity in an assisted living program
25.36(231C) Managed risk statement
25.37(231C) Life safety—emergency policies and procedures and structural safety requirements
25.38(231C) Transportation
25.39(231C) Activities
25.40(231C) Structural requirements
25.41(231C) Dwelling units in dementia-specific programs
25.42(231C) Landlord and tenant Act
25.43(231C) Interpretive guidelines

CHAPTER 26
MONITORING, CIVIL PENALTIES, COMPLAINTS AND INVESTIGATION FOR ELDER GROUP HOMES, ADULT DAY SERVICES AND ASSISTED LIVING PROGRAMS

26.1(17A,231B,231C,231D) Monitoring
26.2(17A,231B,231C,231D) Complaint procedure
26.3(17A,231B,231C,231D) Enforcement action
26.4(17A,231B,231C,231D) Notice—hearings
26.5(17A,231C,231D) Appeals
26.6(17A,231B,231C,231D) Judicial review
26.7(17A,21,231B,231C,231D) Public disclosure of findings
26.8(17A,231C,231D) Discrimination or retaliation
26.9(17A,231C,231D) Emergency removal of adult day services participants or assisted living tenants
26.10(231C,231D) Notification of casualties

CHAPTER 27
FEES FOR ADULT DAY SERVICES AND ASSISTED LIVING PROGRAMS

27.1(231D) Adult day services program fees
27.2(231C) Assisted living program fees

CHAPTER 28
IOWA SENIOR LIVING PROGRAM—HOME- AND COMMUNITY-BASED SERVICES FOR SENIORS

28.1(231,249H) Purpose
28.2(231,249H) Use of funds
28.3(231,249H) Definitions
28.4(231,249H) Disbursement of funds
28.5(231,249H) Eligible use of funds
28.6(231,249H) Client participation
28.7(231,249H) Reallotment of unobligated funds
28.8(231,249H) Prohibited use of senior living trust fund moneys
28.9(231,249H) Disbursement of SLTF funds to AAA subcontractors
28.10(231,249H) Reporting requirements
28.11(231,249H) Severability

CHAPTER 29
ELDER GROUP HOMES

29.1(231B) Definitions
29.2(231B) Application content

29.3(231B)	Initial certification process
29.4(231B)	Renewal of certification
29.5(231B)	Denial, suspension, or revocation of certification
29.6(231B)	Notice, hearing, appeal and judicial review
29.7(231B)	Tenant admission requirements
29.8(231B)	Service plan required
29.9(231B)	Medications
29.10(231B)	Occupancy agreement
29.11(231B)	Waiver of the level of care requirements
29.12(231B)	Resident advocate committees
29.13(231B)	Requirements for and qualifications of staff
29.14(231B)	Tenant documents
29.15(231B)	EGH facility standards
29.16(231B)	Records
29.17(231B)	Classes of information
29.18(231B)	Landlord and tenant Act

CHAPTER 14
IOWA FAMILY CAREGIVER SUPPORT PROGRAM

321—14.1(231,249H) Purpose. The purpose of the family caregiver support program is to provide support services for family caregivers for older individuals and for grandparents or persons who are relative caregivers of children. The program shall be called the Iowa family caregiver support program.
[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.2(231,249H) Definitions. Words and phrases used in this chapter are as defined in 321 IAC 1 unless the context indicates otherwise. The following definitions also apply to this chapter:

"Child" means an individual who is not more than 18 years of age or who is an individual with a disability.

"Family caregiver" means an adult family member, 18 years of age or older, or another adult individual selected by the consumer or the consumer's legal representative, who is an informal provider of in-home or community care to an older individual or to a person of any age with Alzheimer's disease, a related disorder, or a neurological or organic brain dysfunction.

"Grandparent" or *"relative caregiver"* means a grandparent or stepgrandparent of a child; or a relative of a child by blood, marriage or adoption who is not a parent and who is 55 years of age or older and:

1. Lives with the child; and
2. Is the primary caregiver of the child because the biological or adoptive parent is unable or unwilling to serve as the primary caregiver of the child; and
3. Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

"Older individual" means a person 60 years of age or older.

"Respite care" means temporary, substitute support or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers.

"Supplemental services" means services or items that are provided on a limited basis to complement the care provided by the caregiver.
[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.3(231,249H) Eligibility for services. In order to be eligible for services under this chapter, a family caregiver shall be providing informal in-home or community care to:

1. An older individual; or
2. A person of any age with Alzheimer's disease, a related disorder, or a neurological or organic brain dysfunction; or
3. A child or children not more than 18 years of age; or
4. An adult child or children aged 19 through 59 with a disability.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.4(231,249H) Priorities for service. In determining eligibility for services for categories as defined in rule 14.3(231,249H) of this chapter, equal priority shall be given to persons in all categories listed below. Each area agency on aging (AAA) will determine if the grandparent component of the program is offered based on the availability of funds.

Family Caregivers	Grandparents and Relative Caregivers
Individuals of any age with Alzheimer's disease or related disorders.	Children with severe disabilities.
Older individuals with the greatest social and economic needs (with particular attention to low-income individuals) who are providing care to individuals 60 years of age or older.	Older individuals with the greatest social and economic needs (with particular attention to low-income individuals) who are providing care to individuals 60 years of age or older.
	Older individuals providing care to persons with severe disabilities, including children with severe disabilities.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.5(231,249H) Coordination. The AAA and AAA contractors shall coordinate activities with other community agencies and volunteer organizations to provide the types of services described in this chapter.
[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.6(231,249H) Service categories. Each AAA shall provide all of the following categories of service under this chapter. Services may be provided to individuals or to groups directly, or through contract procedures as specified in 321 IAC 6. The services include:

14.6(1) *Information about available services.* This may include, but is not limited to, providing to family caregivers newsletters, seminars or other types of group presentations which identify and explain the various services that may be available.

14.6(2) *Access to services.* This may include, but is not limited to: information, assistance, referral, outreach, and adequate follow-up procedures to ensure that, to the maximum extent practicable, individuals receive the needed services that are available within their communities.

14.6(3) *Counseling, training and support groups.* This may include, but is not limited to, the following services:

a. Individual or group support programs that develop or strengthen informal or family support systems.

b. Formal or informal opportunities for individuals to acquire knowledge, experience or skills in caregiving.

c. Counseling to enable the caregiver and family to resolve problems or to relieve temporary stresses. Mental health and behavioral health services shall be provided by a mental health professional licensed in this state.

14.6(4) *Respite care.* This may include, but is not limited to:

a. In-home respite.

b. Respite provided by the care recipient attending an adult day service program, senior center or other nonresidential program.

c. Institutional respite provided by placing the recipient in a setting such as a nursing facility for a short period of time.

d. Children attending summer camps or similar short-term care while the children are being cared for by grandparents.

14.6(5) *Supplemental services.* This may include, but is not limited to:

a. Chore services such as heavy housework, yard work, or sidewalk maintenance.

b. An emergency in-home or wearable response system.

c. Legal assistance.

d. Material aid in the form of goods or services such as food, smoke detectors, eyeglasses, security devices, or other similar aid.

e. Assisted transportation using vehicles which may include provision of assistance, including an escort, to a person with physical or cognitive difficulties.
[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.7(231,249H) Conflict of interest. Conflict of interest includes any action or failure to act that may be an actual or perceived conflict between official duties and personal interest. Conflict of interest exists when the family caregiver program or any entity or individual:

1. Uses an official position for private gain (other than salary).
2. Gives preferential treatment to any entity or individual or fails to act impartially in the conduct of official duties.
3. Impedes or adversely affects governmental efficiency or economy.
4. Engages in conduct that could adversely affect the confidence of the public in the integrity of the family caregiver program.
5. Creates circumstances where it might reasonably be perceived that an entity's or individual's judgment could be influenced by the nature of the circumstances.
6. Uses any property of the person giving care or the person receiving care for personal use.
7. Provides another direct service to a consumer assigned to the family caregiver program.
8. The family caregiver program disproportionately chooses one provider over another provider or indicates it may be attempting to influence the selection of a specific provider.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.8(231,249H) Confidentiality. Except by written consent of the consumer or the consumer's legal representative, the use or disclosure by any person of any information concerning a consumer for any purpose not directly connected with the administration of the responsibilities of the department, AAA, or authorized service provider is prohibited.
[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.9(231,249H) Quality standards.

14.9(1) *AAA staff requirements.* Each AAA shall:

a. Evaluate the full-time equivalent for its family caregiver program, considering current funding levels among other factors, and shall staff the program to best meet the needs of the service delivery area.

b. Employ or contract for a designated family caregiver specialist with the following demonstrated competencies:

(1) A bachelor's degree in the human services field or an associate's degree in the human services field and two years of employment in information and referral positions, which may be substituted for a bachelor's degree. Family caregiver specialists employed prior to April 1, 2009, are exempt from this requirement.

(2) If the applicant or prospective contractor does not have the certification required in paragraph *"a"* of subrule 14.9(2), the applicant shall have three years of prior employment in information and referral positions.

14.9(2) *Certification.*

a. A family caregiver specialist shall possess and maintain a current Certification for Information and Referral (I&R) Specialists in Aging (CIRS-A) from the Alliance of Information and Referral Systems at the time of employment or contract; or

b. If employed on or prior to April 1, 2009, a family caregiver specialist shall obtain the certification required in paragraph *"a"* of this subrule within six months of April 1, 2009, or upon meeting eligibility requirements for certification which include:

(1) At least one year of employment in I&R for specialists with a bachelor's or higher degree; or

(2) Two years of employment in I&R for specialists with an associate's/community college degree; or

(3) Three years of employment in I&R for specialists with a high school diploma or GED.

c. Part-time staff and volunteers shall possess and maintain a CIRS-A.

14.9(3) *Training.* The family caregiver specialist shall attend during the term of employment annual and other family caregiver specialist training when provided by the department.

14.9(4) *Local contract monitoring.* The AAA shall utilize a system to monitor all service providers' performance under the contract and promptly ensure that any problems that arise are corrected. All contracts shall be created and monitored under the provisions of 321 IAC 6.11(231) or 321 IAC 5.15(231), as applicable.

a. For the purposes of this subrule, monitoring means any planned, ongoing, or periodic activity that measures outcomes and ensures contractor compliance with the terms and conditions of the contract and customer satisfaction and also ensures that the contractor meets the needs of the caregiver.

b. The AAA shall conduct caregiver evaluations to determine the quality of services and goods provided, including but not limited to customer satisfaction surveys, inspections, and evaluation of goods and services provided.

c. Monitoring activities shall include:

(1) Periodic contact, including on-site visits, to maintain a continuous dialogue with the contractor and to review progress on a regular basis.

(2) Requiring the contractor to submit progress reports or other appropriate data based on predefined contract criteria. These reports shall include documentation indicating where and how moneys received were expended and results of caregiver performance evaluations and customer satisfaction surveys.

(3) Reviewing the contractor's reports and verifying the services provided to determine if those services adhere to the contract. Substandard performance shall be identified and addressed appropriately, up to and including cancellation of the contract. Any corrective action shall be completed as soon as possible to maintain quality service to the consumer.

(4) Comparing contract billings with the terms contained in the contract to ensure that costs or payments are within contract parameters.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.10(231,249H) Reports. The AAA shall record all services and submit all fiscal and performance reports for this program to the department in accordance with current instructions issued by the department.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.11(231,249H) Failure to meet program requirements; waiver of standards. When an AAA fails to meet the requirements of this chapter, the department shall follow procedures outlined in 321 IAC 4. Provisions of this chapter may be waived pursuant to 321 IAC 11.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

321—14.12(231,249H) Severability. Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

[**ARC 7599B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code chapters 231 and 249H.

[Filed ARC 7599B (Notice ARC 7456B, IAB 12/31/08), IAB 2/25/09, effective 4/1/09]

HUMAN SERVICES DEPARTMENT[441]

Rules transferred from Social Services Department[770] to Human Services Department[498], see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.
Rules transferred from agency number [498] to [441] to conform with the reorganization numbering scheme in general, IAC Supp. 2/11/87.

TITLE I
GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1
DEPARTMENTAL ORGANIZATION AND PROCEDURES

1.1(17A)	Director
1.2(17A)	Council
1.3(17A)	Organization at state level
1.4(17A)	Field operations structure
1.5	Reserved
1.6(17A)	Mental health and developmental disabilities commission
1.7(17A)	Governor's developmental disabilities council (governor's DD council)
1.8(17A,217)	Waivers of administrative rules (hereinafter referred to as exceptions to policy)
1.9	Reserved
1.10(17A,514I)	HAWK-I board

CHAPTER 2
CONTRACTING OUT DEPARTMENT OF HUMAN SERVICES EMPLOYEES AND PROPERTY

2.1(23A,225C)	Definitions
2.2(23A,225C)	Contracts for use of the services of department employees
2.3(23A,225C)	Contract provisions
2.4(23A,225C)	Leasing of space at state institutions
2.5(23A,225C)	Requirements prior to leasing

CHAPTER 3
DEPARTMENT PROCEDURE FOR RULE MAKING

3.1(17A)	Applicability
3.2(17A)	Advice on possible rules before notice of proposed rule adoption
3.3(17A)	Public rule-making docket
3.4(17A)	Notice of proposed rule making
3.5(17A)	Public participation
3.6(17A)	Regulatory analysis
3.7(17A,25B)	Fiscal impact statement
3.8(17A)	Time and manner of rule adoption
3.9(17A)	Variance between adopted rule and published notice of proposed rule adoption
3.10(17A)	Exemptions from public rule-making procedures
3.11(17A)	Concise statement of reasons
3.12(17A)	Contents, style, and form of rule
3.13(17A)	Department rule-making record
3.14(17A)	Filing of rules
3.15(17A)	Effectiveness of rules prior to publication
3.16(17A)	Review by department of rules

CHAPTER 4
PETITIONS FOR RULE MAKING

4.1(17A)	Petition for rule making
4.2(17A)	Briefs

4.3(17A) Inquiries
4.4(17A) Agency consideration

CHAPTER 5
DECLARATORY ORDERS

5.1(17A) Petition for declaratory order
5.2(17A) Notice of petition
5.3(17A) Intervention
5.4(17A) Briefs
5.5(17A) Inquiries
5.6(17A) Service and filing of petitions and other papers
5.7(17A) Consideration
5.8(17A) Action on petition
5.9(17A) Refusal to issue order
5.10(17A) Contents of declaratory order—effective date
5.11(17A) Copies of orders
5.12(17A) Effect of a declaratory order

CHAPTER 6
Reserved

CHAPTER 7
APPEALS AND HEARINGS

7.1(17A) Definitions
7.2(17A) Application of rules
7.3(17A) Presiding officer
7.4(17A) Notification of hearing procedures
7.5(17A) The right to appeal
7.6(17A) Informing persons of their rights
7.7(17A) Notice of intent to approve, deny, terminate, reduce, or suspend assistance or deny reinstatement of assistance
7.8(17A) Opportunity for hearing
7.9(17A) Continuation of assistance pending a final decision on appeal
7.10(17A) Procedural considerations
7.11(17A) Information and referral for legal services
7.12(17A) Subpoenas
7.13(17A) Rights of appellants during hearings
7.14(17A) Limitation of persons attending
7.15(17A) Medical examination
7.16(17A) The appeal decision
7.17(17A) Exhausting administrative remedies
7.18(17A) Ex parte communication
7.19(17A) Accessibility of hearing decisions
7.20(17A) Right of judicial review and stays of agency action
7.21(17A) Food stamp hearings and appeals
7.22 Reserved
7.23(17A) Contested cases with no factual dispute
7.24(17A) Emergency adjudicative proceedings

CHAPTER 8
PAYMENT OF SMALL CLAIMS

8.1(217) Authorization to reimburse

CHAPTER 9
PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES

9.1(17A,22) Definitions
9.2(17A,22) Statement of policy
9.3(17A,22) Requests for access to records
9.4(17A,22) Access to confidential records
9.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examinations
9.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
9.7(17A,22,228) Consent to disclosure by the subject of a confidential record
9.8(17A,22) Notice to suppliers of information
9.9(17A,22) Release to subject
9.10(17A,22) Use and disclosure without consent of the subject
9.11(22) Availability of records
9.12(22,252G) Personally identifiable information
9.13(217) Distribution of informational materials
9.14(17A,22) Special policies and procedures for protected health information
9.15(17A,22) Person who may exercise rights of the subject

CHAPTER 10
INDIVIDUAL DEVELOPMENT ACCOUNTS

10.1(541A) Definitions
10.2(541A) Establishment of individual development accounts
10.3(541A) Reserve pool
10.4(541A) Eligibility, savings refunds and state tax provisions
10.5(541A) Administration of the initial period
10.6(541A) Requests for proposals—operation of IDAs
10.7(541A) Authorized withdrawals of principal and income
10.8(541A) Notice of nonapproved withdrawals and closure of the account
10.9(541A) Transfers of assets of an account holder's individual development account

CHAPTER 11
COLLECTION OF PUBLIC ASSISTANCE DEBTS

11.1(217) Definitions
11.2(217) Establishment of claim
11.3(217) Application of payment
11.4(217) Setoff against state income tax refund, rebate, or other state payments, including, for example, state employee wages
11.5(234) Setoff against federal income tax refund or other federal payments, including, for example, federal employee wages

CHAPTER 12
VOLUNTEER SERVICES

12.1(234) Definition
12.2(234) Allocation of block grant funds
12.3(234) Requirements for volunteers

12.4(234) Volunteer service programs
12.5(234) Services and benefits available to volunteers

CHAPTER 13
PROGRAM EVALUATION
13.1(234,239B,249A) Definitions
13.2(234,239B,249A) Review of public assistance records by the department
13.3(234,239B,249A) Who shall be reviewed
13.4(234,239B,249A) Notification of review
13.5(234,239B,249A) Review procedure
13.6(234,239B,249A) Failure to cooperate
13.7(234,239B,249A) Report of findings
13.8(234,239B,249A) Federal rereview

CHAPTER 14
OFFSET OF COUNTY DEBTS OWED DEPARTMENT
14.1(217,234) Definitions
14.2(217,234) Identifying counties with liabilities
14.3(217,234) List of counties with amounts owed
14.4(217,234) Notification to county regarding offset
14.5(217,234) Implementing the final decision
14.6(217,234) Offset completed

CHAPTER 15
RESOLUTION OF LEGAL SETTLEMENT DISPUTES
15.1(225C) Definitions
15.2(225C) Assertion of legal settlement dispute
15.3(225C) Response to dispute notification
15.4(225C) Contested case hearing
15.5(225C) Change in determination

TITLE II
Reserved

CHAPTERS 16 to 21
Reserved

TITLE III
MENTAL HEALTH

CHAPTER 22
STANDARDS FOR SERVICES TO PERSONS WITH MENTAL ILLNESS, CHRONIC MENTAL ILLNESS, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, OR BRAIN INJURY
22.1(225C) Definitions
22.2(225C) Principles
22.3(225C) General guidelines for service delivery
22.4(225C) Services
22.5(225C) Compliance hearing

CHAPTER 23
Reserved

CHAPTER 24
ACCREDITATION OF PROVIDERS OF SERVICES TO PERSONS WITH MENTAL ILLNESS, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES

24.1(225C) Definitions
24.2(225C) Standards for policy and procedures
24.3(225C) Standards for organizational activities
24.4(225C) Standards for services
24.5(225C) Accreditation
24.6(225C) Deemed status
24.7(225C) Complaint process
24.8(225C) Appeal procedure
24.9(225C) Exceptions to policy

CHAPTER 25
DISABILITY SERVICES MANAGEMENT

DIVISION I
DETERMINATION OF STATE PAYMENT AMOUNT

25.1 to 25.10 Reserved

DIVISION II
COUNTY MANAGEMENT PLAN

25.11(331) Definitions
25.12(331) County management plan—general criteria
25.13(331) Policies and procedures manual
25.14(331) Policies and procedures manual review
25.15(331) Amendments
25.16(331) Reconsideration
25.17(331) Management plan annual review
25.18(331) Strategic plan
25.19(331) Technical assistance
25.20(331) Consumer financial eligibility and payment responsibility
25.21 to 25.40 Reserved

DIVISION III
MINIMUM DATA SET

25.41(331) Minimum data set
25.42 to 25.50 Reserved

DIVISION IV
INCENTIVE AND EFFICIENCY POOL FUNDING

25.51(77GA,HF2545) Desired results areas
25.52(77GA,HF2545) Methodology for applying for incentive funding
25.53(77GA,HF2545) Methodology for awarding incentive funding
25.54(77GA,HF2545) Subsequent year performance factors
25.55(77GA,HF2545) Phase-in provisions
25.56 to 25.60 Reserved

DIVISION V
RISK POOL FUNDING

25.61(426B) Definitions
25.62(426B) Risk pool board
25.63(426B) Application process
25.64(426B) Methodology for awarding risk pool funding
25.65(426B) Repayment provisions
25.66(426B) Appeals
25.67 to 25.70 Reserved

DIVISION VI
TOBACCO SETTLEMENT FUND RISK POOL FUNDING

25.71(78GA,ch1221) Definitions
25.72(78GA,ch1221) Risk pool board
25.73(78GA,ch1221) Rate-setting process
25.74(78GA,ch1221) Application process
25.75(78GA,ch1221) Methodology for awarding tobacco settlement fund risk pool funding
25.76(78GA,ch1221) Repayment provisions
25.77(78GA,ch1221) Appeals
25.78 to 25.80 Reserved

DIVISION VII
COMMUNITY MENTAL HEALTH CENTER WAIVER REQUEST

25.81(225C) Waiver request

CHAPTERS 26 and 27
Reserved

CHAPTER 28
POLICIES FOR ALL INSTITUTIONS

28.1(218) Definitions
28.2(218) Voluntary admissions to mental health institute
28.3(218) Admission to hospital-schools
28.4(229) Patients' rights for the mentally ill
28.5(218) Photographing and recording of patients and use of cameras
28.6(218) Interviews and statements
28.7(218) Use of grounds, facilities, or equipment
28.8(218) Tours of institution
28.9(218) Donations
28.10(218) Residents' rights for the mentally retarded
28.11(218) Catchment areas
28.12(217) Release of confidential information
28.13(218) Applying county institutional credit balances

CHAPTER 29
MENTAL HEALTH INSTITUTES

29.1(218) Visiting
29.2(230) Direct medical services
29.3(230) Liability for support
29.4(230) Certification of settlement

CHAPTER 30
STATE RESOURCE CENTERS

30.1(218) Visiting
30.2(222) Liability for support
30.3(222) Certification of settlement

CHAPTERS 31 to 33
Reserved

CHAPTER 34
ALTERNATIVE DIAGNOSTIC FACILITIES

34.1(225C) Definitions
34.2(225C) Function
34.3(225C) Standards

CHAPTER 35
Reserved

CHAPTER 36
FACILITY ASSESSMENTS

DIVISION I
ASSESSMENT FEE FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

36.1(249A) Assessment of fee
36.2(249A) Determination and payment of fee for facilities certified to participate in the Medicaid program
36.3(249A) Determination and payment of fee for facilities not certified to participate in the Medicaid program
36.4(249A) Termination of fee assessment

CHAPTER 37
Reserved

CHAPTER 38
DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

38.1(225C,217) Definitions
38.2(225C,217) Program eligibility
38.3(225C,217) Application under competitive process
38.4(225C,217) Competitive project awards
38.5(225C,217) Sole source or emergency selection project awards
38.6(225C,217) Field-initiated proposals
38.7(225C,217) Notification
38.8(225C,217) Request for reconsideration
38.9(225C,217) Contracts
38.10 Reserved
38.11(225C,217) Reallocation of funds
38.12(225C,217) Conflict of interest policy

CHAPTER 39
Reserved

TITLE IV
FAMILY INVESTMENT PROGRAM

CHAPTER 40
APPLICATION FOR AID

DIVISION I
FAMILY INVESTMENT PROGRAM—CONTROL GROUP

40.1 to 40.20 Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

40.21(239B) Definitions
40.22(239B) Application
40.23(239B) Date of application
40.24(239B) Procedure with application
40.25(239B) Time limit for decision
40.26(239B) Effective date of grant
40.27(239B) Continuing eligibility
40.28(239B) Referral for investigation

CHAPTER 41
GRANTING ASSISTANCE

DIVISION I
FAMILY INVESTMENT PROGRAM—CONTROL GROUP

41.1 to 41.20	Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

41.21(239B)	Eligibility factors specific to child
41.22(239B)	Eligibility factors specific to payee
41.23(239B)	Home, residence, citizenship, and alienage
41.24(239B)	Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program
41.25(239B)	Uncategorized factors of eligibility
41.26(239B)	Resources
41.27(239B)	Income
41.28(239B)	Need standards
41.29(239B)	Composite FIP/SSI cases
41.30(239B)	Time limits

CHAPTER 42
Reserved

CHAPTER 43
ALTERNATE PAYEES

DIVISION I
FAMILY INVESTMENT PROGRAM—CONTROL GROUP

43.1 to 43.20	Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

43.21(239B)	Conservatorship or guardianship
43.22 and 43.23	Reserved
43.24(239B)	Emergency payee

CHAPTER 44
Reserved

CHAPTER 45
PAYMENT

DIVISION I
FAMILY INVESTMENT PROGRAM—CONTROL GROUP

45.1 to 45.20	Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

45.21(239B)	Address
45.22(239B)	Return
45.23(239B)	Held warrants
45.24(239B)	Underpayment
45.25(239B)	Deceased payees
45.26(239B)	Limitation on payment
45.27(239B)	Rounding of need standard and payment amount

CHAPTER 46
OVERPAYMENT RECOVERY

DIVISION I
FAMILY INVESTMENT PROGRAM—CONTROL GROUP

46.1 to 46.20 Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

46.21(239B) Definitions
46.22(239B) Monetary standards
46.23(239B) Notification and appeals
46.24(239B) Determination of overpayments
46.25(239B) Source of recoupment
46.26 Reserved
46.27(239B) Procedures for recoupment
46.28 Reserved
46.29(239B) Fraudulent misrepresentation of residence

CHAPTER 47
DIVERSION INITIATIVES

47.1(239B) Definitions
47.2(239B) Availability of program
47.3(239B) General provisions
47.4(239B) Assistance available
47.5(239B) Relationship to the family investment program and TANF
47.6 Reserved
47.7(239B) Notification and appeals
47.8(239B) Funding and method of payment
47.9 Reserved
47.10(239B) Records and reports
47.11 to 47.20 Reserved
47.21(239B) Definitions
47.22(239B) Availability of the family self-sufficiency grants program
47.23(239B) General criteria
47.24(239B) Assistance available in family self-sufficiency grants
47.25(239B) Application, notification, and appeals
47.26(239B) Approved local plans for family self-sufficiency grants

CHAPTERS 48 and 49
Reserved

TITLE V
STATE SUPPLEMENTARY ASSISTANCE

CHAPTER 50
APPLICATION FOR ASSISTANCE

50.1(249) Definitions
50.2(249) Application procedures
50.3(249) Approval of application and effective date of eligibility
50.4(249) Reviews
50.5(249) Application under conditional benefits

CHAPTER 51
ELIGIBILITY

51.1(249) Application for other benefits
51.2(249) Supplementation
51.3(249) Eligibility for residential care
51.4(249) Dependent relatives
51.5(249) Residence
51.6(249) Eligibility for supplement for Medicare and Medicaid eligibles
51.7(249) Income from providing room and board
51.8(249) Furnishing of social security number
51.9(249) Recovery

CHAPTER 52
PAYMENT

52.1(249) Assistance standards

CHAPTER 53
Reserved

CHAPTER 54
FACILITY PARTICIPATION

54.1(249) Application and contract agreement
54.2(249) Maintenance of case records
54.3(249) Financial and statistical report
54.4(249) Goods and services provided
54.5(249) Personal needs account
54.6(249) Case activity report
54.7(249) Billing procedures
54.8(249) Audits

TITLE VI
GENERAL PUBLIC ASSISTANCE PROVISIONS

CHAPTERS 55 and 56
Reserved

CHAPTER 57
INTERIM ASSISTANCE REIMBURSEMENT

57.1(249) Definitions
57.2(249) Requirements for reimbursement
57.3(249) Audits by the department of human services
57.4(249) Independent audits
57.5(249) Withholding of funds
57.6(249) Notice of interim assistance reimbursement eligibility and accountability
57.7(249) Certificate of authority

CHAPTER 58
EMERGENCY ASSISTANCE

DIVISION I
IOWA DISASTER AID INDIVIDUAL ASSISTANCE GRANT PROGRAM

58.1(29C) Definitions
58.2(29C) Program implementation
58.3(29C) Application for assistance
58.4(29C) Eligibility criteria

58.5(29C) Eligible categories of assistance
58.6(29C) Eligibility determination and payment
58.7(29C) Contested cases
58.8(29C) Discontinuance of program
58.9 to 58.20 Reserved

DIVISION II
FAMILY INVESTMENT PROGRAM—EMERGENCY ASSISTANCE

58.21(234) Definitions
58.22(234) General provisions
58.23(234) Application procedures
58.24(234) Eligibility requirements
58.25(234) Determination of need
58.26(234) Income
58.27(234) Resources
58.28(234) Payment
58.29(234) Notification and appeals
58.30(234) Discontinuance of the emergency assistance program
58.31 to 58.40 Reserved

DIVISION III
TEMPORARY MEASURES RELATED TO DISASTERS

58.41(217) Purpose
58.42(234,237A,239B,249,249A,249J,514I) Extension of scheduled reporting and review requirements
58.43(237A) Need for child care services
58.44(249A,249J,514I) Premium payments
58.45(249A) Citizenship and identity

CHAPTER 59
Reserved

CHAPTER 60
REFUGEE CASH ASSISTANCE

60.1(217) Alienage requirements
60.2(217) Application procedures
60.3(217) Effective date of grant
60.4(217) Accepting other assistance
60.5(217) Eligibility factors
60.6(217) Students in institutions of higher education
60.7(217) Time limit for eligibility
60.8(217) Criteria for exemption from registration for employment services, registration, and refusal to register
60.9(217) Work and training requirements
60.10(217) Uncategorized factors of eligibility
60.11(217) Temporary absence from home
60.12(217) Application
60.13(217) Continuing eligibility
60.14(217) Alternate payees
60.15(217) Payment
60.16(217) Overpayment recovery

CHAPTER 61
REFUGEE SERVICES PROGRAM

61.1(217) Definitions
61.2(217) Authority

61.3(217) Eligibility for refugee services
61.4(217) Planning and coordinating the placement of refugees in advance of their arrival
61.5(217) Services of the department available for refugees
61.6(217) Provision of services
61.7(217) Application for services
61.8(217) Adverse service actions
61.9(217) Client appeals
61.10(217) Refugee sponsors
61.11(217) Adverse actions regarding sponsor applications
61.12(217) Administrative review of denial of sponsorship application
61.13(217) Refugee resettlement moneys
61.14(217) Unaccompanied refugee minors program
61.15(217,622A) Interpreters and translators for legal proceedings
61.16(217) Pilot recredentialing services
61.17(217) Targeted assistance grants
61.18(217) Iowa refugee services foundation

CHAPTERS 62 to 64
Reserved

TITLE VII
FOOD PROGRAMS

CHAPTER 65
FOOD ASSISTANCE PROGRAM ADMINISTRATION

DIVISION I

65.1(234) Definitions
65.2(234) Application
65.3(234) Administration of program
65.4(234) Issuance
65.5(234) Simplified reporting
65.6(234) Delays in certification
65.7 Reserved
65.8(234) Deductions
65.9(234) Treatment centers and group living arrangements
65.10 Reserved
65.11(234) Discrimination complaint
65.12(234) Appeals
65.13(234) Joint processing
65.14 Reserved
65.15(234) Proration of benefits
65.16(234) Complaint system
65.17(234) Involvement in a strike
65.18 and 65.19 Reserved
65.20(234) Notice of expiration issuance
65.21(234) Claims
65.22(234) Verification
65.23(234) Prospective budgeting
65.24(234) Inclusion of foster children in household
65.25(234) Effective date of change
65.26(234) Eligible students
65.27(234) Voluntary quit or reduction in hours of work
65.28(234) Work requirements

65.29(234) Income
65.30(234) Resources
65.31(234) Homeless meal providers
65.32(234) Basis for allotment
65.33(234) Dependent care deduction
65.34 to 65.36 Reserved
65.37(234) Eligibility of noncitizens
65.38(234) Income deductions
65.39(234) Categorical eligibility
65.40 Reserved
65.41(234) Actions on changes increasing benefits
65.42 and 65.43 Reserved
65.44(234) Reinstatement
65.45 Reserved
65.46(234) Disqualifications
65.47 to 65.49 Reserved
65.50(234) No increase in benefits
65.51(234) State income and eligibility verification system
65.52(234) Systematic alien verification for entitlements (SAVE) program

CHAPTER 66
EMERGENCY FOOD ASSISTANCE PROGRAM

66.1(234) Definitions
66.2(234) Application to be a TEFAP contractor
66.3(234) Contracts
66.4(234) Distribution
66.5(234) Household eligibility
66.6(234) Reimbursement for allowable costs
66.7(234) Commodity losses and claims
66.8(234) State monitoring
66.9(234) Limits on unrelated activities
66.10(234) Complaints

CHAPTERS 67 to 74
Reserved

TITLE VIII
MEDICAL ASSISTANCE

CHAPTER 75
CONDITIONS OF ELIGIBILITY

DIVISION I
GENERAL CONDITIONS OF ELIGIBILITY, COVERAGE GROUPS, AND SSI-RELATED PROGRAMS

75.1(249A) Persons covered
75.2(249A) Medical resources
75.3(249A) Acceptance of other financial benefits
75.4(249A) Medical assistance lien
75.5(249A) Determination of countable income and resources for persons in a medical institution
75.6(249A) Entrance fee for continuing care retirement community or life care community
75.7(249A) Furnishing of social security number
75.8(249A) Medical assistance corrective payments
75.9(249A) Treatment of Medicaid qualifying trusts
75.10(249A) Residency requirements

75.11(249A) Citizenship or alienage requirements
75.12(249A) Inmates of public institutions
75.13(249A) Categorical relatedness
75.14(249A) Establishing paternity and obtaining support
75.15(249A) Disqualification for long-term care assistance due to substantial home equity
75.16(249A) Client participation in payment for medical institution care
75.17(249A) Verification of pregnancy
75.18(249A) Continuous eligibility for pregnant women
75.19(249A) Continuous eligibility for children
75.20(249A) Disability requirements for SSI-related Medicaid
75.21(249A) Health insurance premium payment program
75.22(249A) AIDS/HIV health insurance premium payment program
75.23(249A) Disposal of assets for less than fair market value after August 10, 1993
75.24(249A) Treatment of trusts established after August 10, 1993
75.25(249A) Definitions
75.26 Reserved
75.27(249A) AIDS/HIV settlement payments
75.28 to 75.49 Reserved

DIVISION II
ELIGIBILITY FACTORS SPECIFIC TO COVERAGE GROUPS RELATED TO THE FAMILY MEDICAL ASSISTANCE PROGRAM (FMAP)

75.50(249A) Definitions
75.51(249A) Reinstatement of eligibility
75.52(249A) Continuing eligibility
75.53(249A) Iowa residency policies specific to FMAP and FMAP-related coverage groups
75.54(249A) Eligibility factors specific to child
75.55(249A) Eligibility factors specific to specified relatives
75.56(249A) Resources
75.57(249A) Income
75.58(249A) Need standards
75.59(249A) Persons who may be voluntarily excluded from the eligible group when determining eligibility for the family medical assistance program (FMAP) and FMAP-related coverage groups
75.60(249A) Pending SSI approval

CHAPTER 76
APPLICATION AND INVESTIGATION

76.1(249A) Application
76.2(249A) Information and verification procedure
76.3(249A) Time limit for decision
76.4(249A) Notification of decision
76.5(249A) Effective date
76.6(249A) Certification for services
76.7(249A) Reinvestigation
76.8(249A) Investigation by quality control or the department of inspections and appeals
76.9(249A) Member lock-in
76.10(249A) Client responsibilities
76.11(249A) Automatic redetermination
76.12(249A) Recovery
76.13(249A) Health care data match program

CHAPTER 77
CONDITIONS OF PARTICIPATION FOR PROVIDERS OF MEDICAL AND REMEDIAL CARE

77.1(249A)	Physicians
77.2(249A)	Retail pharmacies
77.3(249A)	Hospitals
77.4(249A)	Dentists
77.5(249A)	Podiatrists
77.6(249A)	Optometrists
77.7(249A)	Opticians
77.8(249A)	Chiropractors
77.9(249A)	Home health agencies
77.10(249A)	Medical equipment and appliances, prosthetic devices and medical supplies
77.11(249A)	Ambulance service
77.12(249A)	Remedial services providers
77.13(249A)	Hearing aid dispensers
77.14(249A)	Audiologists
77.15(249A)	Community mental health centers
77.16(249A)	Screening centers
77.17(249A)	Physical therapists
77.18(249A)	Orthopedic shoe dealers and repair shops
77.19(249A)	Rehabilitation agencies
77.20(249A)	Independent laboratories
77.21(249A)	Rural health clinics
77.22(249A)	Psychologists
77.23(249A)	Maternal health centers
77.24(249A)	Ambulatory surgical centers
77.25(249A)	Home- and community-based habilitation services
77.26(249A)	Behavioral health services
77.27(249A)	Birth centers
77.28(249A)	Area education agencies
77.29(249A)	Case management provider organizations
77.30(249A)	HCBS ill and handicapped waiver service providers
77.31(249A)	Occupational therapists
77.32(249A)	Hospice providers
77.33(249A)	HCBS elderly waiver service providers
77.34(249A)	HCBS AIDS/HIV waiver service providers
77.35(249A)	Federally qualified health centers
77.36(249A)	Advanced registered nurse practitioners
77.37(249A)	HCBS MR waiver service providers
77.38	Reserved
77.39(249A)	HCBS brain injury waiver service providers
77.40(249A)	Lead inspection agencies
77.41(249A)	HCBS physical disability waiver service providers
77.42	Reserved
77.43(249A)	Infant and toddler program providers
77.44(249A)	Local education agency services providers
77.45(249A)	Indian health service 638 facilities
77.46(249A)	HCBS children's mental health waiver service providers

CHAPTER 78
AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL SERVICES

78.1(249A)	Physicians' services
78.2(249A)	Prescribed outpatient drugs
78.3(249A)	Inpatient hospital services
78.4(249A)	Dentists
78.5(249A)	Podiatrists
78.6(249A)	Optometrists
78.7(249A)	Opticians
78.8(249A)	Chiropractors
78.9(249A)	Home health agencies
78.10(249A)	Durable medical equipment (DME), prosthetic devices and medical supplies
78.11(249A)	Ambulance service
78.12(249A)	Remedial services
78.13(249A)	Transportation to receive medical care
78.14(249A)	Hearing aids
78.15(249A)	Orthopedic shoes
78.16(249A)	Community mental health centers
78.17(249A)	Physical therapists
78.18(249A)	Screening centers
78.19(249A)	Rehabilitation agencies
78.20(249A)	Independent laboratories
78.21(249A)	Rural health clinics
78.22(249A)	Family planning clinics
78.23(249A)	Other clinic services
78.24(249A)	Psychologists
78.25(249A)	Maternal health centers
78.26(249A)	Ambulatory surgical center services
78.27(249A)	Home- and community-based habilitation services
78.28(249A)	List of medical services and equipment requiring prior approval, preprocedure review or preadmission review
78.29(249A)	Behavioral health services
78.30(249A)	Birth centers
78.31(249A)	Hospital outpatient services
78.32(249A)	Area education agencies
78.33(249A)	Case management services
78.34(249A)	HCBS ill and handicapped waiver services
78.35(249A)	Occupational therapist services
78.36(249A)	Hospice services
78.37(249A)	HCBS elderly waiver services
78.38(249A)	HCBS AIDS/HIV waiver services
78.39(249A)	Federally qualified health centers
78.40(249A)	Advanced registered nurse practitioners
78.41(249A)	HCBS MR waiver services
78.42	Reserved
78.43(249A)	HCBS brain injury waiver services
78.44(249A)	Lead inspection services
78.45	Reserved
78.46(249A)	Physical disability waiver service
78.47(249A)	Pharmaceutical case management services
78.48	Reserved

78.49(249A) Infant and toddler program services
78.50(249A) Local education agency services
78.51(249A) Indian health service 638 facility services
78.52(249A) HCBS children's mental health waiver services

CHAPTER 79
OTHER POLICIES RELATING TO PROVIDERS OF
MEDICAL AND REMEDIAL CARE

79.1(249A) Principles governing reimbursement of providers of medical and health services
79.2(249A) Sanctions against provider of care
79.3(249A) Maintenance of records by providers of service
79.4(249A) Reviews and audits
79.5(249A) Nondiscrimination on the basis of handicap
79.6(249A) Provider participation agreement
79.7(249A) Medical assistance advisory council
79.8(249A) Requests for prior authorization
79.9(249A) General provisions for Medicaid coverage applicable to all Medicaid providers and services
79.10(249A) Requests for preadmission review
79.11(249A) Requests for preprocedure surgical review
79.12(249A) Advance directives
79.13(249A) Requirements for enrolled Medicaid providers supplying laboratory services
79.14(249A) Provider enrollment
79.15(249A) Education about false claims recovery

CHAPTER 80
PROCEDURE AND METHOD OF PAYMENT

80.1 Reserved
80.2(249A) Submission of claims
80.3(249A) Payment from other sources
80.4(249A) Time limit for submission of claims and claim adjustments
80.5(249A) Authorization process
80.6(249A) Payment to provider—exception

CHAPTER 81
NURSING FACILITIES

DIVISION I
GENERAL POLICIES

81.1(249A) Definitions
81.2 Reserved
81.3(249A) Initial approval for nursing facility care
81.4(249A) Arrangements with residents
81.5(249A) Discharge and transfer
81.6(249A) Financial and statistical report and determination of payment rate
81.7(249A) Continued review
81.8 Reserved
81.9(249A) Records
81.10(249A) Payment procedures
81.11(249A) Billing procedures
81.12(249A) Closing of facility
81.13(249A) Conditions of participation for nursing facilities
81.14(249A) Audits
81.15 Reserved

81.16(249A) Nurse aide requirements and training and testing programs
81.17 Reserved
81.18(249A) Sanctions
81.19 Reserved
81.20(249A) Out-of-state facilities
81.21(249A) Outpatient services
81.22(249A) Rates for Medicaid eligibles
81.23(249A) State-funded personal needs supplement
81.24 to 81.30 Reserved

DIVISION II
ENFORCEMENT OF COMPLIANCE

81.31(249A) Definitions
81.32(249A) General provisions
81.33(249A) Factors to be considered in selecting remedies
81.34(249A) Available remedies
81.35(249A) Selection of remedies
81.36(249A) Action when there is immediate jeopardy
81.37(249A) Action when there is no immediate jeopardy
81.38(249A) Action when there is repeated substandard quality of care
81.39(249A) Temporary management
81.40(249A) Denial of payment for all new admissions
81.41(249A) Secretarial authority to deny all payments
81.42(249A) State monitoring
81.43(249A) Directed plan of correction
81.44(249A) Directed in-service training
81.45(249A) Closure of a facility or transfer of residents, or both
81.46(249A) Civil money penalties—basis for imposing penalty
81.47(249A) Civil money penalties—when penalty is collected
81.48(249A) Civil money penalties—notice of penalty
81.49(249A) Civil money penalties—waiver of hearing, reduction of penalty amount
81.50(249A) Civil money penalties—amount of penalty
81.51(249A) Civil money penalties—effective date and duration of penalty
81.52(249A) Civil money penalties—due date for payment of penalty
81.53(249A) Civil money penalties—settlement of penalties
81.54(249A) Continuation of payments to a facility with deficiencies
81.55(249A) State and federal disagreements involving findings not in agreement when there is no immediate jeopardy
81.56(249A) Duration of remedies
81.57(249A) Termination of provider agreement

CHAPTER 82
INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

82.1(249A) Definition
82.2(249A) Licensing and certification
82.3(249A) Conditions of participation for intermediate care facilities for the mentally retarded
82.4
82.5(249A) Financial and statistical report
82.6(249A) Eligibility for services
82.7(249A) Initial approval for ICF/MR care
82.8(249A) Determination of need for continued stay
82.9(249A) Arrangements with residents
82.10(249A) Discharge and transfer

82.11(249A) Continued stay review
82.12(249A) Quality of care review
82.13(249A) Records
82.14(249A) Payment procedures
82.15(249A) Billing procedures
82.16(249A) Closing of facility
82.17(249A) Audits
82.18(249A) Out-of-state facilities
82.19(249A) State-funded personal needs supplement

CHAPTER 83
MEDICAID WAIVER SERVICES

DIVISION I—HCBS ILL AND HANDICAPPED WAIVER SERVICES

83.1(249A) Definitions
83.2(249A) Eligibility
83.3(249A) Application
83.4(249A) Financial participation
83.5(249A) Redetermination
83.6(249A) Allowable services
83.7(249A) Service plan
83.8(249A) Adverse service actions
83.9(249A) Appeal rights
83.10 to 83.20 Reserved

DIVISION II—HCBS ELDERLY WAIVER SERVICES

83.21(249A) Definitions
83.22(249A) Eligibility
83.23(249A) Application
83.24(249A) Client participation
83.25(249A) Redetermination
83.26(249A) Allowable services
83.27(249A) Service plan
83.28(249A) Adverse service actions
83.29(249A) Appeal rights
83.30(249A) Enhanced services
83.31 to 83.40 Reserved

DIVISION III—HCBS AIDS/HIV WAIVER SERVICES

83.41(249A) Definitions
83.42(249A) Eligibility
83.43(249A) Application
83.44(249A) Financial participation
83.45(249A) Redetermination
83.46(249A) Allowable services
83.47(249A) Service plan
83.48(249A) Adverse service actions
83.49(249A) Appeal rights
83.50 to 83.59 Reserved

DIVISION IV—HCBS MR WAIVER SERVICES

83.60(249A) Definitions
83.61(249A) Eligibility
83.62(249A) Application
83.63(249A) Client participation

83.64(249A) Redetermination
83.65 Reserved
83.66(249A) Allowable services
83.67(249A) Service plan
83.68(249A) Adverse service actions
83.69(249A) Appeal rights
83.70(249A) County reimbursement
83.71 Reserved
83.72(249A) Rent subsidy program
83.73 to 83.80 Reserved

DIVISION V—BRAIN INJURY WAIVER SERVICES

83.81(249A) Definitions
83.82(249A) Eligibility
83.83(249A) Application
83.84(249A) Client participation
83.85(249A) Redetermination
83.86(249A) Allowable services
83.87(249A) Service plan
83.88(249A) Adverse service actions
83.89(249A) Appeal rights
83.90(249A) County reimbursement
83.91 to 83.100 Reserved

DIVISION VI—PHYSICAL DISABILITY WAIVER SERVICES

83.101(249A) Definitions
83.102(249A) Eligibility
83.103(249A) Application
83.104(249A) Client participation
83.105(249A) Redetermination
83.106(249A) Allowable services
83.107(249A) Individual service plan
83.108(249A) Adverse service actions
83.109(249A) Appeal rights
83.110 to 83.120 Reserved

DIVISION VII—HCBS CHILDREN'S MENTAL HEALTH WAIVER SERVICES

83.121(249A) Definitions
83.122(249A) Eligibility
83.123(249A) Application
83.124(249A) Financial participation
83.125(249A) Redetermination
83.126(249A) Allowable services
83.127(249A) Service plan
83.128(249A) Adverse service actions
83.129(249A) Appeal rights

CHAPTER 84
EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

84.1(249A) Definitions
84.2(249A) Eligibility
84.3(249A) Screening services
84.4(249A) Referral
84.5(249A) Follow up

CHAPTER 85
SERVICES IN PSYCHIATRIC INSTITUTIONS

DIVISION I
PSYCHIATRIC HOSPITALS

85.1(249A) Acute care in psychiatric hospitals
85.2(249A) Out-of-state placement
85.3(249A) Eligibility of persons under the age of 21
85.4(249A) Eligibility of persons aged 65 and over
85.5(249A) Client participation
85.6(249A) Responsibilities of hospitals
85.7(249A) Psychiatric hospital reimbursement
85.8(249A,81GA,ch167) Eligibility of persons aged 21 through 64
85.9 to 85.20 Reserved

DIVISION II
PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

85.21(249A) Conditions for participation
85.22(249A) Eligibility of persons under the age of 21
85.23(249A) Client participation
85.24(249A) Responsibilities of facilities
85.25(249A) Reimbursement to psychiatric medical institutions for children
85.26(249A) Outpatient day treatment for persons aged 20 or under
85.27 to 85.40 Reserved

DIVISION III
NURSING FACILITIES FOR PERSONS WITH MENTAL ILLNESS

85.41(249A) Conditions of participation
85.42(249A) Out-of-state placement
85.43(249A) Eligibility of persons aged 65 and over
85.44(249A) Client participation
85.45(249A) Responsibilities of nursing facility
85.46(249A) Policies governing reimbursement
85.47(249A) State-funded personal needs supplement

CHAPTER 86
HEALTHY AND WELL KIDS IN IOWA (HAWK-I) PROGRAM

86.1(514I) Definitions
86.2(514I) Eligibility factors
86.3(514I) Application process
86.4(514I) Coordination with Medicaid
86.5(514I) Effective date of coverage
86.6(514I) Selection of a plan
86.7(514I) Disenrollment
86.8(514I) Premiums and copayments
86.9(514I) Annual reviews of eligibility
86.10(514I) Reporting changes
86.11(514I) Notice requirements
86.12(514I) Appeals and fair hearings
86.13(514I) Third-party administrator
86.14(514I) Covered services
86.15(514I) Participating health plans
86.16(514I) Clinical advisory committee
86.17(514I) Use of donations to the HAWK-I program

86.18(505) Health insurance data match program
86.19(514I) Recovery

CHAPTER 87
STATE-FUNDED FAMILY PLANNING PROGRAM

87.1(82GA,ch1187) Definitions
87.2(82GA,ch1187) Eligibility
87.3(82GA,ch1187) Application
87.4(82GA,ch1187) Effective date
87.5(82GA,ch1187) Period of eligibility and reapplication
87.6(82GA,ch1187) Reporting changes
87.7(82GA,ch1187) Allocation of funds
87.8(82GA,ch1187) Availability of services
87.9(82GA,ch1187) Payment of covered services
87.10(82GA,ch1187) Submission of claims

CHAPTER 88
MANAGED HEALTH CARE PROVIDERS

DIVISION I
HEALTH MAINTENANCE ORGANIZATION

88.1(249A) Definitions
88.2(249A) Participation
88.3(249A) Enrollment
88.4(249A) Disenrollment
88.5(249A) Covered services
88.6(249A) Emergency and urgent care services
88.7(249A) Access to service
88.8(249A) Grievance procedures
88.9(249A) Records and reports
88.10(249A) Marketing
88.11(249A) Patient education
88.12(249A) Reimbursement
88.13(249A) Quality assurance
88.14(249A) Contracts with federally qualified health centers (FQHCs) and rural health clinics (RHCs)
88.15 to 88.20 Reserved

DIVISION II
PREPAID HEALTH PLANS

88.21(249A) Definitions
88.22(249A) Participation
88.23(249A) Enrollment
88.24(249A) Disenrollment
88.25(249A) Covered services
88.26(249A) Emergency services
88.27(249A) Access to service
88.28(249A) Grievance procedures
88.29(249A) Records and reports
88.30(249A) Marketing
88.31(249A) Patient education
88.32(249A) Payment to the PHP
88.33(249A) Quality assurance
88.34 to 88.40 Reserved

DIVISION III
MEDICAID PATIENT MANAGEMENT

88.41(249A) Definitions
88.42(249A) Eligible recipients
88.43(249A) Project area
88.44(249A) Eligible providers
88.45(249A) Contracting for the provision of patient management
88.46(249A) Enrollment and changes in enrollment
88.47(249A) Disenrollment
88.48(249A) Services
88.49(249A) Grievance procedure
88.50(249A) Payment
88.51(249A) Utilization review and quality assessment
88.52(249A) Marketing
88.53 to 88.60 Reserved

DIVISION IV
IOWA PLAN FOR BEHAVIORAL HEALTH

88.61(249A) Definitions
88.62(249A) Participation
88.63(249A) Enrollment
88.64(249A) Disenrollment
88.65(249A) Covered services
88.66(249A) Emergency services
88.67(249A) Access to service
88.68(249A) Review of contractor decisions and actions
88.69(249A) Records and reports
88.70(249A) Marketing
88.71(249A) Enrollee education
88.72(249A) Payment to the contractor
88.73(249A) Claims payment
88.74(249A) Quality assurance
88.75(249A) Iowa Plan advisory committee
88.76 to 88.80 Reserved

DIVISION V
PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY

88.81(249A) Scope and definitions
88.82(249A) PACE organization application and waiver process
88.83(249A) PACE program agreement
88.84(249A) Enrollment and disenrollment
88.85(249A) Program services
88.86(249A) Access to PACE services
88.87(249A) Program administrative requirements
88.88(249A) Payment

CHAPTER 89
DEBTS DUE FROM TRANSFERS OF ASSETS

89.1(249F) Definitions
89.2(249F) Creation of debt
89.3(249F) Exceptions
89.4(249F) Presumption of intent
89.5(249F) Notice of debt
89.6(249F) No timely request of a hearing

89.7(249F) Timely request for a hearing
89.8(249F) Department-requested hearing
89.9(249F) Filing and docketing of the order
89.10(249F) Exemption from Iowa Code chapter 17A

CHAPTER 90
CASE MANAGEMENT FOR PEOPLE WITH MENTAL RETARDATION, CHRONIC MENTAL ILLNESS, OR DEVELOPMENTAL DISABILITIES

90.1(249A) Definitions
90.2(249A) Eligibility
90.3(249A) Authorization and need for service
90.4(249A) Application
90.5(249A) Services
90.6(249A) Terminating services
90.7(249A) Appeal rights

CHAPTER 91
MEDICARE DRUG SUBSIDY

91.1(249A) Definitions
91.2(249A) Application
91.3(249A) Eligibility determination
91.4(249A) Notice of decision
91.5(249A) Effective date
91.6(249A) Changes in circumstances
91.7(249A) Reinvestigation
91.8(249A) Appeals

CHAPTER 92
IOWACARE

92.1(249A,249J) Definitions
92.2(249A,249J) Eligibility
92.3(249A,249J) Application
92.4(249A,249J) Application processing
92.5(249A,249J) Determining income eligibility
92.6(249A,249J) Effective date
92.7(249A,249J) Financial participation
92.8(249A,249J) Benefits
92.9(249A,249J) Claims
92.10(249A,249J) Reporting changes
92.11(249A,249J) Reapplication
92.12(249A,249J) Terminating eligibility
92.13(249A,249J) Recovery
92.14(249A,249J) Discontinuance of the program
92.15(249A,249J) Right to appeal

TITLE IX
WORK INCENTIVE DEMONSTRATION

CHAPTER 93
PROMISE JOBS PROGRAM

93.1(239B) Definitions
93.2(239B) Program administration
93.3(239B) Registration and referral
93.4(239B) The family investment agreement (FIA)

93.5(239B) Assessment
93.6(239B) Job readiness and job search activities
93.7(239B) Work activities
93.8(239B) Education and training activities
93.9(239B) Other FIA activities
93.10(239B) Required documentation and verification
93.11(239B) Supportive payments
93.12(239B) Recovery of PROMISE JOBS expense payments
93.13(239B) Resolution of participation issues
93.14(239B) Problems that may provide good cause for participation issues
93.15(239B) Right of appeal
93.16(239B) Resolution of a limited benefit plan
93.17(239B) Worker displacement grievance procedure

CHAPTER 94
Reserved

TITLE X
SUPPORT RECOVERY

CHAPTER 95
COLLECTIONS

95.1(252B) Definitions
95.2(252B) Child support recovery eligibility and services
95.3(252B) Crediting of current and delinquent support
95.4(252B) Prepayment of support
95.5(252B) Lump sum settlement
95.6(252B) Offset against state income tax refund or rebate
95.7(252B) Offset against federal income tax refund and federal nontax payment
95.8(96) Child support offset of unemployment insurance benefits
95.9 to 95.11 Reserved
95.12(252B) Procedures for providing information to consumer reporting agencies
95.13(17A) Appeals
95.14(252B) Termination of services
95.15(252B) Child support recovery unit attorney
95.16(252B) Handling and use of federal 1099 information
95.17(252B) Effective date of support
95.18(252B) Continued services available to canceled family investment program (FIP) or Medicaid recipients
95.19(252B) Cooperation of public assistance recipients in establishing and obtaining support
95.20(252B) Cooperation of public assistance applicants in establishing and obtaining support
95.21(252B) Cooperation in establishing and obtaining support in nonpublic assistance cases
95.22(252B) Charging pass-through fees
95.23(252B) Reimbursing assistance with collections of assigned support
95.24(252B) Child support account
95.25(252B) Emancipation verification

CHAPTER 96
INFORMATION AND RECORDS

96.1(252B) Access to information and records from other sources
96.2(252B) Refusal to comply with written request or subpoena
96.3(252B) Procedure for refusal
96.4(252B) Conference conducted

96.5(252B) Fine assessed
96.6(252B) Objection to fine or failure to pay

CHAPTER 97
COLLECTION SERVICES CENTER

97.1(252B) Definitions
97.2(252B) Transfer of records and payments
97.3(252B) Support payment records
97.4 Reserved
97.5(252B) Method of payment
97.6(252B) Authorization of payment
97.7(252B) Processing misdirected payments

CHAPTER 98
SUPPORT ENFORCEMENT SERVICES

DIVISION I
MEDICAL SUPPORT ENFORCEMENT

98.1(252E) Definitions
98.2(252E) Provision of services
98.3(252E) Establishing medical support
98.4(252E) Accessibility of the health benefit plan
98.5(252E) Health benefit plan information
98.6(252E) Insurer authorization
98.7(252E) Enforcement
98.8(252E) Contesting the order
98.9 to 98.20 Reserved

DIVISION II
INCOME WITHHOLDING
PART A
DELINQUENT SUPPORT PAYMENTS

98.21(252D) When applicable
98.22 and 98.23 Reserved
98.24(252D) Amount of withholding
98.25 to 98.30 Reserved

PART B
IMMEDIATE INCOME WITHHOLDING

98.31(252D) Effective date
98.32(252D) Withholding automatic
98.33 Reserved
98.34(252D) Approval of request for immediate income withholding
98.35(252D) Modification or termination of withholding
98.36(252D) Immediate income withholding amounts
98.37(252D) Immediate income withholding amounts when current support has ended
98.38 Reserved

PART C
INCOME WITHHOLDING—GENERAL PROVISIONS

98.39(252D,252E) Provisions for medical support
98.40(252D,252E) Maximum amounts to be withheld
98.41(252D) Multiple obligations
98.42(252D) Notice to employer and obligor
98.43(252D) Contesting the withholding
98.44(252D) Termination of order
98.45(252D) Modification of income withholding

98.46(252D) Refunds of amounts improperly withheld
98.47(252D) Additional information about hardship
98.48 to 98.50 Reserved

DIVISION III
REVIEW AND ADJUSTMENT OF CHILD SUPPORT OBLIGATIONS

98.51 to 98.60 Reserved

DIVISION IV
PUBLICATION OF NAMES

98.61(252B) List for publication
98.62(252B) Releasing the list
98.63 to 98.70 Reserved

DIVISION V
ADMINISTRATIVE SEEK EMPLOYMENT ORDERS

98.71(252B) Seek employment order
98.72(252B) Effective date of order
98.73(252B) Method and requirements of reporting
98.74(252B) Reasons for noncompliance
98.75(252B) Method of service
98.76(252B) Duration of order
98.77 to 98.80 Reserved

DIVISION VI
DEBTOR OFFSET

98.81(252B) Offset against payment owed to a person by a state agency
98.82 to 98.90 Reserved

DIVISION VII
ADMINISTRATIVE LEVY

98.91(252I) Administrative levy
98.92 Reserved
98.93(252I) Verification of accounts
98.94(252I) Notice to financial institution
98.95(252I) Notice to support obligor
98.96(252I) Responsibilities of financial institution
98.97(252I) Challenging the administrative levy
98.98 to 98.100 Reserved

DIVISION VIII
LICENSE SANCTION

98.101(252J) Referral for license sanction
98.102(252J) Reasons for exemption
98.103(252J) Notice of potential sanction of license
98.104(252J) Conference
98.105 (252J) Payment agreement
98.106(252J) Staying the process due to full payment of support
98.107(252J) Duration of license sanction
98.108 to 98.120 Reserved

DIVISION IX
EXTERNAL ENFORCEMENT

98.121(252B) Difficult-to-collect arrearages
98.122(252B) Enforcement services by private attorney entitled to state compensation

CHAPTER 99
SUPPORT ESTABLISHMENT AND ADJUSTMENT SERVICES

DIVISION I
CHILD SUPPORT GUIDELINES

99.1(234,252B,252H) Income considered
99.2(234,252B) Allowable deductions
99.3(234,252B) Determining net income
99.4(234,252B) Applying the guidelines
99.5(234,252B) Deviation from guidelines
99.6 to 99.9 Reserved

DIVISION II
PATERNITY ESTABLISHMENT
Part A

99.10(252A) Temporary support
99.11 to 99.20 Reserved

Part B

99.21(252F) When paternity may be established administratively
99.22(252F) Mother's certified statement
99.23(252F) Notice of alleged paternity and support debt
99.24(252F) Conference to discuss paternity and support issues
99.25(252F) Amount of support obligation
99.26(252F) Court hearing
99.27(252F) Paternity contested
99.28(252F) Paternity test results challenge
99.29(252F) Agreement to entry of paternity and support order
99.30(252F) Entry of order establishing paternity only
99.31(252F) Exception to time limit
99.32(252F) Genetic test costs assessed
99.33 to 99.35 Reserved

Part C

99.36(598,600B) Definitions
99.37(598,600B) Communication between parents
99.38(598,600B) Continuation of enforcement
99.39(598,600B) Satisfaction of accrued support
99.40 Reserved

DIVISION III
ADMINISTRATIVE ESTABLISHMENT OF SUPPORT

99.41(252C) Establishment of an administrative order
99.42 to 99.60 Reserved

DIVISION IV
REVIEW AND ADJUSTMENT OF CHILD SUPPORT OBLIGATIONS

99.61(252B,252H) Definitions
99.62(252B,252H) Review of permanent child support obligations
99.63(252B,252H) Notice requirements
99.64(252B,252H) Financial information
99.65(252B,252H) Review and adjustment of a child support obligation
99.66(252B,252H) Medical support
99.67(252B,252H) Confidentiality of financial information
99.68(252B,252H) Payment of service fees and other court costs
99.69(252B,252H) Denying requests
99.70(252B,252H) Withdrawing requests

99.71(252H) Effective date of adjustment
99.72 to 99.80 Reserved

DIVISION V
ADMINISTRATIVE MODIFICATION

99.81(252H) Definitions
99.82(252H) Availability of service
99.83(252H) Modification of child support obligations
99.84(252H) Notice requirements
99.85(252H) Financial information
99.86(252H) Challenges to the proposed modification action
99.87(252H) Voluntary reduction of income
99.88(252H) Effective date of modification
99.89(252H) Confidentiality of financial information
99.90(252H) Payment of fees
99.91(252H) Denying requests
99.92(252H) Withdrawing requests
99.93 to 99.100 Reserved

DIVISION VI
SUSPENSION AND REINSTATEMENT OF SUPPORT

99.101(252B) Definitions
99.102(252B) Availability of service
99.103(252B) Basis for suspension of support
99.104(252B) Request for assistance to suspend
99.105(252B) Order suspending support
99.106(252B) Suspension of enforcement of current support
99.107(252B) Request for reinstatement
99.108(252B) Reinstatement
99.109(252B) Reinstatement of enforcement of support
99.110(252B) Temporary suspension becomes final

CHAPTER 100
CHILD SUPPORT PARENTAL OBLIGATION PILOT PROJECTS

100.1(17A,80GA,HF667) Definitions
100.2(17A,80GA,HF667) Incentives
100.3(17A,80GA,HF667) Application to be a funded pilot project
100.4(17A,80GA,HF667) Selection of projects
100.5(17A,80GA,HF667) Termination of pilot projects
100.6(17A,80GA,HF667) Reports and records
100.7(17A,80GA,HF667) Appeals
100.8(17A,80GA,HF667) Continued application of rules and sunset provisions

TITLE XI
CHILDREN'S INSTITUTIONS

CHAPTER 101
IOWA STATE JUVENILE HOME

101.1(218) Definitions
101.2(218) Visiting
101.3(218) Interviews and statements
101.4(218) Mail and packages
101.5(218) Use of buildings and grounds
101.6(218) Incoming telephone calls
101.7(218) Resident employment

101.8(218) Tours
101.9(218) Acceptance
101.10(218) Admission procedures
101.11(218) Program assignment
101.12(218) Individual care plan
101.13(218) Special staffing
101.14 Reserved
101.15(218) Grievance procedure
101.16(218) Alleged child abuse
101.17(218) Temporary home visits
101.18(218) Prerelease staffing
101.19(218) Attorney contacts
101.20(244) Standards

CHAPTER 102
Reserved

CHAPTER 103
ELDORA TRAINING SCHOOL

DIVISION I
GENERAL POLICIES AND PROCEDURES

103.1(218) Definitions
103.2(218) Visiting
103.3(218) Interviews and statements
103.4(218) Mail and packages
103.5(218) Use of buildings and grounds
103.6(218) Incoming telephone calls
103.7(218) Resident employment
103.8(218) Tours
103.9(218) Acceptance
103.10(218) Admission procedures
103.11(218) Program assignment
103.12(218) Individual care plan
103.13(218) Special staffing
103.14(218) Detention
103.15(218) Grievance procedure
103.16(218) Alleged child abuse
103.17(218) Temporary home visits
103.18(218) Prerelease staffing
103.19(218) Attorney contacts
103.20(218,233A) Standards
103.21(218,233A) Advisory committee
103.22 to 103.30 Reserved

DIVISION II
SEX OFFENDERS

103.31(692A) Definitions
103.32(692A) Department responsibilities
103.33(692A) Juveniles required to register
103.34(692A) Completion of risk assessment
103.35(692A) Affirmative public notification pending the exhaustion of administrative or judicial appeal

CHAPTER 104
Reserved

TITLE XII
LICENSING AND APPROVED STANDARDS

CHAPTER 105
COUNTY AND MULTICOUNTY JUVENILE DETENTION HOMES AND COUNTY AND MULTICOUNTY JUVENILE SHELTER CARE HOMES

105.1(232) Definitions
105.2(232) Buildings and grounds
105.3(232) Personnel policies
105.4(232) Procedures manual
105.5(232) Staff
105.6(232) Intake procedures
105.7(232) Assessments
105.8(232) Program services
105.9(232) Medication management and administration
105.10(232) Control room—juvenile detention home only
105.11(232) Clothing
105.12(232) Staffings
105.13(232) Child abuse
105.14(232) Daily log
105.15(232) Children's rights
105.16(232) Discipline
105.17(232) Case files
105.18(232) Discharge
105.19(232) Approval
105.20(232) Provisional approval
105.21(232) Mechanical restraint—juvenile detention only
105.22(232) Chemical restraint

CHAPTER 106
Reserved

CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS

107.1(600) Introduction
107.2(600) Definitions
107.3(600) Application
107.4(600) Requirements for certification
107.5(600) Granting, denial, or revocation of certification
107.6(600) Certificate
107.7(600) Renewal of certification
107.8(600) Investigative services
107.9(600) Retention of adoption records
107.10(600) Reporting of violations
107.11(600) Appeals

CHAPTER 108
LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

108.1(238) Definitions
108.2(238) Licensing procedure
108.3(238) Administration and organization

108.4(238) Staff qualifications
108.5(238) Staffing requirements
108.6(238) Personnel administration
108.7(238) Foster care services
108.8(238) Foster home studies
108.9(238) Adoption services
108.10(238) Supervised apartment living placement services

CHAPTER 109
CHILD CARE CENTERS

109.1(237A) Definitions
109.2(237A) Licensure procedures
109.3(237A) Inspection and evaluation
109.4(237A) Administration
109.5(237A) Parental participation
109.6(237A) Personnel
109.7(237A) Professional growth and development
109.8(237A) Staff ratio requirements
109.9(237A) Records
109.10(237A) Health and safety policies
109.11(237A) Physical facilities
109.12(237A) Activity program requirements
109.13(237A) Extended evening care
109.14(237A) Get-well center
109.15(237A) Food services

CHAPTER 110
CHILD DEVELOPMENT HOMES

110.1(237A) Definitions
110.2(237A) Application for registration
110.3(237A) Renewal
110.4(237A) Number of children
110.5(237A) Standards
110.6(237A) Compliance checks
110.7(234) Registration decision
110.8(237A) Additional requirements for child development home category A
110.9(237A) Additional requirements for child development home category B
110.10(237A) Additional requirements for child development home category C
110.11(237A) Complaints
110.12(237A) Registration actions for nonpayment of child support
110.13(237A) Transition exception
110.14(237A) Prohibition from involvement with child care

CHAPTER 111
FAMILY-LIFE HOMES

111.1(249) Definitions
111.2(249) Application for certification
111.3(249) Provisions pertaining to the certificate
111.4(249) Physical standards
111.5(249) Personal characteristics of family-life home family
111.6(249) Health of family
111.7(249) Planned activities and personal effects
111.8(249) Client eligibility

111.9(249) Medical examinations, records, and care of a client
111.10(249) Placement agreement
111.11(249) Legal liabilities
111.12(249) Emergency care and release of client
111.13(249) Information about client to be confidential

CHAPTER 112
LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

112.1(237) Applicability
112.2(237) Definitions
112.3(237) Application for license
112.4(237) License
112.5(237) Denial
112.6(237) Revocation
112.7(237) Provisional license
112.8(237) Adverse actions
112.9(237) Suspension
112.10(232) Mandatory reporting of child abuse

CHAPTER 113
LICENSING AND REGULATION OF FOSTER FAMILY HOMES

113.1(237) Applicability
113.2(237) Definitions
113.3(237) Application for license
113.4(237) Provisions pertaining to the license
113.5(237) Physical standards
113.6(237) Sanitation, water, and waste disposal
113.7(237) Fire safety
113.8(237) Foster parent training
113.9(237) Policy for involvement of biological or adoptive parents
113.10(237) Information on the foster child
113.11(237) Health of foster family
113.12(237) Characteristics of foster parents
113.13(237) Record checks
113.14(237) Reference checks
113.15(237) Unannounced visits
113.16(237) Planned activities and personal effects
113.17(237) Medical examinations and health care of the child
113.18(237) Training and discipline of foster children
113.19(237) Emergency care and release of children
113.20(237) Changes in foster family home

CHAPTER 114
LICENSING AND REGULATION OF ALL
GROUP LIVING FOSTER CARE FACILITIES FOR CHILDREN

114.1(237) Applicability
114.2(237) Definitions
114.3(237) Physical standards
114.4(237) Sanitation, water, and waste disposal
114.5(237) Safety
114.6(237) Organization and administration
114.7(237) Policies and record-keeping requirements
114.8(237) Staff

114.9(237) Intake procedures
114.10(237) Program services
114.11(237) Case files
114.12(237) Drug utilization and control
114.13(237) Children's rights
114.14(237) Personal possessions
114.15(237) Religion—culture
114.16(237) Work or vocational experiences
114.17(237) Family involvement
114.18(237) Children's money
114.19(237) Child abuse
114.20(237) Discipline
114.21(237) Illness, accident, death, or absence from the facility
114.22(237) Records
114.23(237) Unannounced visits
114.24(237) Standards for private juvenile shelter care and detention homes

CHAPTER 115
LICENSING AND REGULATION OF
COMPREHENSIVE RESIDENTIAL FACILITIES FOR CHILDREN

115.1(237) Applicability
115.2(237) Definitions
115.3(237) Information upon admission
115.4(237) Staff
115.5(237) Program services
115.6(237) Restraints
115.7(237) Control room
115.8(237) Locked cottages
115.9(237) Mechanical restraint
115.10(237) Chemical restraint

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES
FOR MENTALLY RETARDED CHILDREN

116.1(237) Applicability
116.2(237) Definitions
116.3(237) Qualifications of staff
116.4(237) Staff to client ratio
116.5(237) Program components
116.6(237) Restraint

CHAPTER 117
FOSTER PARENT TRAINING

117.1(237) Required preservice training
117.2(237) Required preplacement orientation
117.3(237) Application materials
117.4(237) Application process
117.5(237) Application decisions
117.6(237) Application conference available
117.7(237) Required in-service training

CHAPTER 118
CHILD CARE QUALITY RATING SYSTEM

118.1(237A) Definitions
118.2(237A) Application for quality rating
118.3(237A) Rating standards for child care centers and preschools
118.4(237A) Rating criteria for child development homes
118.5(237A) Award of quality rating
118.6(237A) Adverse actions

CHAPTER 119
RECORD CHECK EVALUATIONS FOR HEALTH CARE PROGRAMS

119.1(135C) Definitions
119.2(135C) When record check evaluations are requested
119.3(135C) Request for evaluation
119.4(135C) Completion of evaluation
119.5(135C) Appeal rights

CHAPTERS 120 to 129
Reserved

TITLE XIII
SERVICE ADMINISTRATION

CHAPTER 130
GENERAL PROVISIONS

130.1(234) Definitions
130.2(234) Application
130.3(234) Eligibility
130.4(234) Fees
130.5(234) Adverse service actions
130.6(234) Social casework
130.7(234) Case plan
130.8 Reserved
130.9(234) Entitlement

CHAPTER 131
SOCIAL CASEWORK

131.1(234) Definitions
131.2(234) Eligibility
131.3(234) Service provision
131.4 Reserved
131.5(234) Adverse actions

CHAPTER 132
Reserved

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

133.1(235) Definitions
133.2(235) Application
133.3(235) Eligibility
133.4(235) Method of service provision
133.5(235) Duration of services
133.6(235) Discontinuance of the program

CHAPTERS 134 to 141
Reserved

CHAPTER 142
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

142.1(238) Compact agreement
142.2(238) Compact administrator
142.3(238) Article II(d)
142.4(238) Article III(a)
142.5(238) Article III(a) procedures
142.6(238) Article III(c)
142.7(238) Article VIII(a)
142.8(238) Applicability

CHAPTER 143
INTERSTATE COMPACT ON JUVENILES

143.1(232) Compact agreement
143.2(232) Compact administrator
143.3(232) Sending a juvenile out of Iowa under the compact
143.4(232) Receiving cases in Iowa under the interstate compact
143.5(232) Runaways

CHAPTERS 144 to 149
Reserved

TITLE XIV
GRANT/CONTRACT/PAYMENT ADMINISTRATION

CHAPTER 150
PURCHASE OF SERVICE

DIVISION I
TERMS AND CONDITIONS FOR IOWA PURCHASE OF SOCIAL SERVICES AGENCY AND INDIVIDUAL CONTRACTS, IOWA PURCHASE OF ADMINISTRATIVE SUPPORT, AND IOWA DONATIONS OF FUNDS CONTRACT AND PROVISIONS FOR PUBLIC ACCESS TO CONTRACTS

150.1(234) Definitions
150.2(234) Categories of contracts
150.3(234) Iowa purchase of social services agency contract
150.4(234) Iowa purchase of social services contract—individual providers
150.5(234) Iowa purchase of administrative support
150.6 to 150.8 Reserved
150.9(234) Public access to contracts

CHAPTER 151
JUVENILE COURT SERVICES DIRECTED PROGRAMS

DIVISION I
GENERAL PROVISIONS

151.1(232) Definitions
151.2(232) Administration of funds for court-ordered services and graduated sanction services
151.3(232) Administration of juvenile court services programs within each judicial district
151.4(232) Billing and payment
151.5(232) Appeals
151.6(232) District program reviews and audits
151.7 to 151.19 Reserved

DIVISION II
COURT-ORDERED SERVICES

151.20(232) Juvenile court services responsibilities
151.21(232) Certification process
151.22(232) Expenses
151.23 to 151.29 Reserved

DIVISION III
GRADUATED SANCTION SERVICES

151.30(232) Life skills
151.31(232) School-based supervision
151.32(232) Supervised community treatment
151.33(232) Tracking, monitoring, and outreach
151.34(232) Administration of graduated sanction services
151.35(232) Contract development for graduated sanction services

CHAPTER 152
CONTRACTING

DIVISION I
GENERAL PROVISIONS

152.1(234) Definitions
152.2(234) Conditions of participation relevant to all contracts
152.3(234) Appeals of departmental actions
152.4(234) Review of financial and statistical reports
152.5(234) Copyright and patents
152.6(234) Drug-free workplace
152.7(234) Restriction of use of funds
152.8(234) Term of contract
152.9 to 152.20 Reserved

DIVISION II
PURCHASE OF REHABILITATIVE TREATMENT AND
SUPPORTIVE SERVICES CONTRACT

152.21(234) Contract
152.22(234) Initiation of contract proposal
152.23(234) Contract administration
152.24(234) Client eligibility and referral
152.25(234) Amount, scope, and duration of services
152.26(234) Client fees

CHAPTER 153
FUNDING FOR LOCAL SERVICES

DIVISION I
SOCIAL SERVICES BLOCK GRANT

153.1(234) Definitions
153.2(234) Development of preexpenditure report
153.3(234) Amendment to preexpenditure report
153.4(234) Service availability
153.5(234) Allocation of block grant funds
153.6 to 153.10 Reserved

DIVISION II
DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

153.11(232) Definitions
153.12(232) Implementation requirements
153.13(232) Role and responsibilities of decategorization project governance boards

153.14(232) Realignment of decategorization project boundaries
153.15(232) Decategorization services funding pool
153.16(232) Relationship of decategorization funding pool to other department child welfare funding
153.17(232) Relationship of decategorization funding pool to juvenile court services funding streams
153.18(232) Requirements for annual services plan
153.19(232) Requirements for annual progress report
153.20 to 153.30 Reserved

DIVISION III
MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES—LOCAL SERVICES

153.31 to 153.50 Reserved

DIVISION IV
STATE PAYMENT PROGRAM FOR LOCAL MENTAL HEALTH, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES SERVICES TO ADULTS WITHOUT LEGAL SETTLEMENT

153.51(331) Definitions
153.52(331) Eligibility requirements
153.53(331) Application procedure
153.54(331) Eligibility determination
153.55(331) Eligible services
153.56(331) Program administration
153.57(331) Reduction, denial, or termination of benefits
153.58(331) Appeals

CHAPTER 154
Reserved

CHAPTER 155
CHILD ABUSE PREVENTION PROGRAM

155.1(235A) Definitions
155.2(235A) Child abuse prevention program administration
155.3(235A) Project eligibility
155.4(235A) Proposals
155.5(235A) Selection of project proposals
155.6(235A) Project contracts
155.7(235A) Project records
155.8(235A) Quarterly project progress reports
155.9(235A) Evaluation
155.10(235A) Termination
155.11(235A) Advisory council

CHAPTER 156
PAYMENTS FOR FOSTER CARE
AND FOSTER PARENT TRAINING

156.1(234) Definitions
156.2(234) Foster care recovery
156.3 to 156.5 Reserved
156.6(234) Rate of maintenance payment for foster family care
156.7(234) Purchase of family foster care services
156.8(234) Special needs
156.9(234) Rate of payment for foster group care
156.10(234) Payment for reserve bed days

156.11(234) Emergency care
156.12(234) Supervised apartment living
156.13 Reserved
156.14(234,252C) Voluntary placements
156.15(234) Child's earnings
156.16(234) Trust funds and investments
156.17(234) Adoptive homes
156.18(237) Foster parent training expenses
156.19(237) Rate of payment for care in a residential care facility
156.20(234) Eligibility for foster care payment

CHAPTER 157
PURCHASE OF ADOPTION SERVICES
157.1(600) Definitions
157.2(600) Eligibility
157.3(600) Components of adoption service
157.4(600) Contract requirements and management
157.5(600) Case permanency plan requirements
157.6(600) Progress reports

CHAPTER 158
FOSTER HOME INSURANCE FUND
158.1(237) Payments from the foster home insurance fund
158.2(237) Payment limits
158.3(237) Claim procedures
158.4(237) Time frames for filing claims
158.5(237) Appeals

CHAPTER 159
CHILD CARE RESOURCE AND REFERRAL GRANTS PROGRAM
159.1(237A) Definitions
159.2(237A) Availability of grants
159.3(237A) Project eligibility
159.4(237A) Request for proposals for project grants
159.5(237A) Selection of proposals
159.6(237A) Project contracts
159.7(237A) Records
159.8(237A) Evaluation
159.9(237A) Termination of contract
159.10(237A) Appeals

CHAPTER 160
ADOPTION OPPORTUNITY GRANT PROGRAM
160.1(234) Definitions
160.2(234) Availability of grant funds
160.3(234) Project eligibility
160.4(234) Request for proposals for project grants
160.5(234) Selection of proposals
160.6(234) Project contracts
160.7(234) Records
160.8(234) Evaluation of projects
160.9(234) Termination
160.10(234) Appeals

CHAPTER 161
IOWA SENIOR LIVING TRUST FUND

161.1(249H) Definitions
161.2(249H) Funding and operation of trust fund
161.3(249H) Allocations from the senior living trust fund
161.4(249H) Participation by government-owned nursing facilities

CHAPTER 162
NURSING FACILITY CONVERSION
AND LONG-TERM CARE SERVICES
DEVELOPMENT GRANTS

162.1(249H) Definitions
162.2(249H) Availability of grants
162.3(249H) Grant eligibility
162.4(249H) Grant application process
162.5(249H) Grant dispersal stages
162.6(249H) Project contracts
162.7(249H) Grantee responsibilities
162.8(249H) Offset
162.9(249H) Appeals

CHAPTER 163
ADOLESCENT PREGNANCY PREVENTION AND SERVICES
TO PREGNANT AND PARENTING ADOLESCENTS
PROGRAMS

163.1(234) Definitions
163.2(234) Availability of grants for projects
163.3(234) Project eligibility
163.4(234) Request for proposals for pilot project grants
163.5(234) Selection of proposals
163.6(234) Project contracts
163.7(234) Records
163.8(234) Evaluation
163.9(234) Termination of contract
163.10(234) Appeals

CHAPTER 164
IOWA HOSPITAL TRUST FUND

164.1(249I) Definitions
164.2(249I) Funding and operation of trust fund
164.3(249I) Allocations from the hospital trust fund
164.4(249I) Participation by public hospitals

CHAPTER 165
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY PROGRAM

165.1(217) Definitions
165.2(217) Council
165.3(217) Funding of grants
165.4(217) Families at risk
165.5(217) Grant application process
165.6(217) Selection of grantees
165.7(217) Contract with grantee
165.8(217) Grantee responsibilities

165.9(217) Evaluation
165.10(217) Contract revision and termination
165.11(217) Reconsideration

CHAPTER 166
Reserved

CHAPTER 167
JUVENILE DETENTION REIMBURSEMENT

DIVISION I
ANNUAL REIMBURSEMENT PROGRAM

167.1(232) Definitions
167.2(232) Availability of funds
167.3(232) Eligible facilities
167.4(232) Available reimbursement
167.5(232) Submission of voucher
167.6(232) Reimbursement by the department

CHAPTER 168
CHILD CARE EXPANSION PROGRAMS

168.1(234) Definitions
168.2(234) Availability of funds
168.3(234) Eligibility requirements
168.4(234) Request for proposals
168.5(234) Selection of proposals
168.6(234) Appeals
168.7(234) Contracts
168.8(234) Reporting requirements
168.9(234) Termination of contract

CHAPTER 169
FUNDING FOR EMPOWERMENT AREAS

169.1(7I) Definitions
169.2(7I) Use of funds
169.3(7I) Eligibility for funding
169.4(7I) Funding availability
169.5(7I) Community empowerment areas' responsibilities
169.6(7I) Iowa empowerment board's responsibilities
169.7(7I) Department of human services' responsibilities
169.8(7I) Revocation of funding
169.9(7I) Appeals

TITLE XV
INDIVIDUAL AND FAMILY SUPPORT
AND PROTECTIVE SERVICES

CHAPTER 170
CHILD CARE SERVICES

170.1(237A) Definitions
170.2(237A,239B) Eligibility requirements
170.3(237A,239B) Application and determination of eligibility
170.4(237A) Elements of service provision
170.5(237A) Adverse actions
170.6(237A) Appeals

170.7(237A) Provider fraud
170.8 Reserved
170.9(237A) Child care assistance overpayments

CHAPTER 171
Reserved

CHAPTER 172
FAMILY-CENTERED CHILD WELFARE SERVICES

DIVISION I
GENERAL PROVISIONS

172.1(234) Definitions
172.2(234) Purpose and scope
172.3(234) Authorization
172.4(234) Reimbursement
172.5(234) Client appeals
172.6(234) Reviews and audits
172.7 to 172.9 Reserved

DIVISION II
SAFETY PLAN SERVICES

172.10(234) Service requirements
172.11(234) Provider selection
172.12(234) Service eligibility
172.13(234) Service components
172.14(234) Monitoring of service delivery
172.15(234) Billing and payment
172.16 to 172.19 Reserved

DIVISION III
FAMILY SAFETY, RISK, AND PERMANENCY SERVICES

172.20(234) Service requirements
172.21(234) Provider selection
172.22(234) Service eligibility
172.23(234) Service components
172.24(234) Monitoring of service delivery
172.25(234) Billing and payment
172.26 to 172.29 Reserved

DIVISION IV
FAMILY-CENTERED SUPPORTIVE SERVICES

172.30(234) Service components
172.31(234) Provider selection
172.32(234) Service eligibility
172.33(234) Monitoring of service delivery
172.34(234) Billing and payment

CHAPTERS 173 and 174
Reserved

CHAPTER 175
ABUSE OF CHILDREN

DIVISION I
CHILD ABUSE

175.1 to 175.20 Reserved

DIVISION II
CHILD ABUSE ASSESSMENT

175.21(232,235A) Definitions
175.22(232) Receipt of a report of child abuse
175.23(232) Sources of report of child abuse
175.24(232) Child abuse assessment intake process
175.25(232) Child abuse assessment process
175.26(232) Completion of a child protective assessment summary
175.27(232) Contact with juvenile court or the county attorney
175.28(232) Consultation with health practitioners or mental health professionals
175.29(232) Consultation with law enforcement
175.30(232) Information shared with law enforcement
175.31(232) Completion of required correspondence
175.32(232,235A) Case records
175.33(232,235A) Child protection centers
175.34(232) Department-operated facilities
175.35(232,235A) Jurisdiction of assessments
175.36(235A) Multidisciplinary teams
175.37(232) Community education
175.38(235) Written authorizations
175.39(232) Founded child abuse
175.40(235A) Retroactive reviews
175.41(235A) Access to child abuse information
175.42(235A) Person conducting research
175.43(235A) Child protection services citizen review panels

CHAPTER 176
DEPENDENT ADULT ABUSE

176.1(235B) Definitions
176.2(235B) Denial of critical care
176.3(235B) Appropriate evaluation
176.4(235B) Reporters
176.5(235B) Reporting procedure
176.6(235B) Duties of the department upon receipt of report
176.7(235B) Appropriate evaluation or assessment
176.8(235B) Immunity from liability for reporters
176.9(235B) Registry records
176.10(235B) Adult abuse information disseminated
176.11(235B) Person conducting research
176.12(235B) Examination of information
176.13(235B) Dependent adult abuse information registry
176.14 Reserved
176.15(235B) Multidisciplinary teams
176.16(235B) Medical and mental health examinations
176.17(235B) Request for correction or expungement

CHAPTER 177
IN-HOME HEALTH RELATED CARE

177.1(249) In-home health related care
177.2(249) Own home
177.3(249) Service criteria
177.4(249) Eligibility
177.5(249) Providers of health care services

177.6(249) Health care plan
177.7(249) Client participation
177.8(249) Determination of reasonable charges
177.9(249) Written agreements
177.10(249) Emergency services
177.11(249) Termination

CHAPTERS 178 to 181
Reserved

CHAPTER 182
FAMILY-CENTERED SERVICES

182.1(234) Definitions
182.2(234) Available services
182.3(234) Eligibility for services
182.4(234) Approval and referral for services
182.5(234) Service provider qualifications
182.6(234) Requirements for service delivery
182.7(234) Provider service record requirements
182.8(234) Unit of service and service unit rates
182.9(234) Termination and adverse service actions
182.10(234) Appeals

CHAPTER 183
ADULT SUPPORT PROGRAM

183.1(234) Definitions
183.2(234) Eligibility
183.3(234) Application
183.4(234) Method of provision
183.5(234) Social casework responsibilities
183.6(234) Unit of service
183.7(234) Location of service delivery
183.8(234) Adverse service actions
183.9(234) Appeals

CHAPTER 184
INDIVIDUAL AND FAMILY DIRECT SUPPORT

DIVISION I
FAMILY SUPPORT SUBSIDY PROGRAM

184.1(225C) Definitions
184.2(225C) Eligibility requirements
184.3(225C) Application process
184.4(225C) Family support services plan
184.5 Reserved
184.6(225C) Amount of subsidy payment
184.7(225C) Redetermination of eligibility
184.8(225C) Termination of subsidy payments
184.9(225C) Appeals
184.10 to 184.20 Reserved

DIVISION II
COMPREHENSIVE FAMILY SUPPORT PROGRAM

184.21(225C) Definitions
184.22(225C) Eligibility

184.23(225C) Application
184.24(225C) Contractor selection and duties
184.25(225C) Direct assistance
184.26(225C) Appeals
184.27(225C) Parent advisory council

CHAPTER 185
REHABILITATIVE TREATMENT SERVICES

DIVISION I
GENERAL PROVISIONS

185.1(234) Definitions
185.2 to 185.9 Reserved
185.10(234) Provider certification standards
185.11 Reserved
185.12(234) Sanctions against providers of rehabilitative treatment and supportive services
185.13(234) Provider audits
185.14 to 185.20 Reserved

DIVISION II
FAMILY-CENTERED PROGRAM
Rescinded IAB 4/11/07, effective 7/1/07

185.21 to 185.40 Reserved

DIVISION III
FAMILY PRESERVATION PROGRAM
Rescinded IAB 4/11/07, effective 7/1/07

185.41 to 185.60 Reserved

DIVISION IV
FAMILY FOSTER CARE TREATMENT SERVICES
Rescinded IAB 11/8/06, effective 11/1/06

185.61 to 185.80 Reserved

DIVISION V
GROUP TREATMENT
Rescinded IAB 4/11/07, effective 7/1/07

185.81 to 185.100 Reserved

DIVISION VI
ESTABLISHMENT OF RATES

185.101(234) Definitions
185.102(234) Financial and statistical report
185.103(234) Submission of reports
185.104(234) Expenses not allowed
185.105(234) Costs subject to limits
185.106(234) Establishment of reimbursement rates
185.107(234) Payment of new rates
185.108 Reserved
185.109(234) Fiscal years 1997 and 1998 determination of rates
185.110(234) Providers under an exception to policy for establishing rates
185.111(234) Data
185.112(234) Determination of rates
185.113 to 185.120 Reserved

DIVISION VII
BILLING AND PAYMENT PROCEDURES

185.121(234) Billing procedures
185.122(234) Recoupment procedures
185.123 to 185.125 Reserved

DIVISION VIII
OVERPAYMENT PROVISIONS

185.126(234) Calculation of overpayments

CHAPTER 186
COMMUNITY CARE

186.1(234) Definitions
186.2(234) Eligibility
186.3(234) Services provided
186.4(234) Appeals

CHAPTER 187
AFTERCARE SERVICES AND SUPPORTS

DIVISION I
AFTERCARE SERVICES

187.1(234) Purpose
187.2(234) Eligibility
187.3(234) Services and supports provided
187.4(234) Termination
187.5(234) Waiting list
187.6(234) Administration
187.7 to 187.9 Reserved

DIVISION II
PREPARATION FOR ADULT LIVING (PAL) PROGRAM

187.10(234) Purpose
187.11(234) Eligibility
187.12(234) Payment
187.13(234) Termination of stipend
187.14(234) Waiting list
187.15(234) Administration

CHAPTERS 188 to 199
Reserved

TITLE XVI
ALTERNATIVE LIVING

CHAPTER 200
ADOPTION SERVICES

200.1(600) Definitions
200.2(600) Release of custody services
200.3(600) Application
200.4(600) Components of adoption services
200.5(600) Termination of parental rights
200.6(600) Service provision
200.7(600) Department fees
200.8(600) Interstate placements
200.9(600) International adoptions
200.10(600) Requests for home studies
200.11(600) Reasons for denial
200.12(600) Removal of child from preadoptive family
200.13(600) Consents
200.14(600) Requests for access to information for research or treatment

200.15(600) Requests for information for other than research or treatment
200.16(600) Appeals

CHAPTER 201
SUBSIDIZED ADOPTIONS

201.1(600) Administration
201.2(600) Definitions
201.3(600) Conditions of eligibility or ineligibility
201.4(600) Application
201.5(600) Negotiation of amount of presubsidy or subsidy
201.6(600) Types of subsidy
201.7(600) Termination of subsidy
201.8(600) Reinstatement of subsidy
201.9(600) New application
201.10(600) Medical assistance based on residency
201.11(600) Presubsidy recovery

CHAPTER 202
FOSTER CARE SERVICES

202.1(234) Definitions
202.2(234) Eligibility
202.3(234) Voluntary placements
202.4(234) Selection of facility
202.5(234) Preplacement
202.6(234) Placement
202.7(234) Out-of-area placements
202.8(234) Out-of-state placements
202.9(234) Supervised apartment living
202.10(234) Services to foster parents
202.11(234) Services to the child
202.12(234) Services to parents
202.13(234) Removal of the child
202.14(234) Termination
202.15(234) Case permanency plan
202.16(135H) Department approval of need for a psychiatric medical institution for children
202.17(232) Area group care targets
202.18(235) Local transition committees

CHAPTER 203
IOWA ADOPTION EXCHANGE

203.1(232) Definitions
203.2(232) Children to be registered on the exchange system
203.3(232) Families to be registered on the exchange system
203.4(232) Matching process

CHAPTER 204
SUBSIDIZED GUARDIANSHIP PROGRAM

PREAMBLE

204.1(234) Definitions
204.2(234) Eligibility
204.3(234) Application
204.4(234) Negotiation of amount of subsidy
204.5(234) Parental liability

204.6(234) Termination of subsidy
204.7(234) Reinstatement of subsidy
204.8(234) Appeals
204.9(234) Medical assistance

CHAPTER 58
EMERGENCY ASSISTANCE

DIVISION I
IOWA DISASTER AID INDIVIDUAL ASSISTANCE GRANT PROGRAM

PREAMBLE

This division implements a state program of financial assistance to meet disaster-related expenses, food-related costs, or serious needs of individuals or families who are adversely affected by a state-declared disaster emergency. The program is intended to meet needs that cannot be met by other means of financial assistance.

441—58.1(29C) Definitions.

"Emergency management coordinator" means the person appointed by the local emergency management commission pursuant to Iowa Code sections 29C.9 and 29C.10 to be responsible for development of the countywide emergency operations plan and for coordination and assistance to government officials when an emergency or disaster occurs.

"Household" means all adults and children who lived in the pre-disaster residence who request assistance, as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

"Necessary expense" means the cost associated with acquiring an item or items, obtaining a service, or paying for any other activity that meets a serious need.

"Safe, sanitary, and secure" means free from disaster-related health hazards.

"Serious need" means the item or service is essential to the household to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

441—58.2(29C) Program implementation. The Iowa individual assistance grant program (IIAGP) shall be implemented when the governor issues a declaration of a state of disaster emergency and shall be in effect only in those counties named in the declaration. Assistance shall be provided for a period not to exceed 120 days from the date of declaration.

441—58.3(29C) Application for assistance. To request reimbursement for disaster-related expenses, the household shall complete Form 470-4448, Individual Disaster Assistance Application, and submit it within 45 days of the disaster declaration to the county emergency management coordinator along with receipts for the claimed expenses.

58.3(1) Application forms are available from county emergency management coordinators and local offices of the department of human services, as well as the Internet Web site of the department at www.dhs.iowa.gov.

58.3(2) The application shall include:

a. A declaration of the household's annual income, accompanied by:

(1) A current pay stub, W-2 form, or income tax return, or

(2) Documentation of current enrollment in an assistance program administered by the department of human services, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), or other subsidy program.

b. A release of confidential information to personnel involved in administering the program.

c. A certification of the accuracy of the information provided.

d. An assurance that the household had no insurance coverage for claimed items.

e. A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to local community development groups and charities, the Small Business Administration, or the Federal Emergency Management Administration.

f. A short, handwritten narrative of the disaster event and how the disaster caused the loss being claimed.

g. A copy of a picture identification document for each adult applicant.

h. When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

441—58.4(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

58.4(1) The household's residence was located in the area identified in the disaster declaration during the designated incident period and the household verifies occupancy at that residence.

58.4(2) Household members are citizens of the United States or are legally residing in the United States.

58.4(3) The household's self-declared annual income is at or less than 200 percent of the federal poverty level for a household of that size.

a. Poverty guidelines are updated annually.

b. All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income.

58.4(4) The household has disaster-related expenses or serious needs that are not covered by insurance or the claim is less than the deductible amount. This program will not reimburse the amount of the insurance deductible when the claim exceeds the deductible amount.

58.4(5) The household has not previously received assistance from this program or another program for the same loss.

441—58.5(29C) Eligible categories of assistance. The maximum assistance available to a household in a single disaster is $5,000. Reimbursement is available under the program for the following disaster-related expenses:

58.5(1) Reimbursement may be issued for personal property, including repair or replacement of the following items, based on the item's condition:

a. Kitchen items, up to a maximum of $560, including:

(1) Equipment and furnishings, up to a maximum of $560.

(2) Food, up to a maximum of $50 for one person plus $25 for each additional person in the household.

b. Personal hygiene items, up to a maximum of $30 per person and $150 per household.

c. Clothing and bedroom furnishings, up to a maximum of $875, including:

(1) Mattress, box spring, frame, and storage containers, up to a maximum of $250 per person.

(2) Clothing, up to a maximum of $145 per person.

d. Other items, including:

(1) Infant car seat, up to a maximum of $40.

(2) Dehumidifier, up to a maximum of $150.

(3) Sump pump (in a flood event only), up to a maximum of $200 installed.

(4) Electrical or mechanical repairs, up to a maximum of $1,000.

(5) Water heater, up to a maximum of $425 installed.

(6) Vehicle repair, up to a maximum of $500.

(7) Heating and air-conditioning systems, up to a maximum of $2,100 installed. Air conditioning is covered only with proof of medical necessity.

58.5(2) Reimbursement may be issued for home repair as needed to make the home safe, sanitary, and secure, up to a maximum of $5,000.

a. Assistance will be denied if preexisting conditions are the cause of the damage.

b. Reimbursement may be authorized for:

(1) The repair of structural components, such as the foundation and roof.

(2) The repair of floors, walls, ceilings, doors, windows, and carpeting of essential interior living space that was occupied at the time of the disaster.

(3) Debris removal, including trees, up to a maximum of $1,000.

c. Repairs to rental property are excluded under this program.

58.5(3) Reimbursement may be issued for temporary housing assistance, up to a limit of $50 per day, for lodging at a licensed establishment, such as a hotel or motel, if the household's home is destroyed, uninhabitable, inaccessible, or unavailable to the household.

441—58.6(29C) Eligibility determination and payment.

58.6(1) The county emergency management coordinator or designee shall:

a. Confirm that:

(1) The address provided on the application is a valid address and is reasonably believed to be in the disaster-affected area, and

(2) Disaster-related expenses were possible as a result of the current disaster.

b. Submit the household's application form to the Homeland Security and Emergency Management Division, Camp Dodge, Building W-4, 7105 NW 70th Avenue, Johnston, Iowa 50131. The envelope shall be marked "IIAGP application."

58.6(2) The homeland security and emergency management division of the department of public defense shall:

a. Review the application.

b. Submit the household's application form to the DHS Division of Results-Based Accountability, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The envelope shall be marked "IIAGP application."

58.6(3) Designated disaster staff in the department of human services shall:

a. Determine eligibility and the amount of payment.

b. Notify the applicant household of the eligibility decision.

c. Authorize payment to an eligible household.

d. Process appeals.

441—58.7(29C) Contested cases.

58.7(1) *Reconsideration.* The household may request reconsideration of the department's decisions regarding eligibility and the amount of reimbursement awarded.

a. To request reconsideration, the household shall submit a written request to the DHS Division of Results-Based Accountability, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the department's letter notifying the household of its decision.

b. The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days of receipt of the request.

58.7(2) *Appeal.* The household may appeal the department's reconsideration decision according to procedures in 441—Chapter 7.

a. Appeals must be submitted in writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information, to the DHS Appeals Section, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the reconsideration decision.

b. A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the agency.

441—58.8(29C) Discontinuance of program.

58.8(1) *Deferral to federal assistance.* Upon declaration of a disaster by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sections 5121 to 5206, the Iowa individual assistance grant program administered under this chapter shall be discontinued in the geographic area included in the presidential declaration. Upon issuance of the presidential declaration:

a. No more applications shall be accepted.

b. Any applications that are in process but are not yet approved shall be denied.

c. Persons seeking assistance under this program shall be advised to apply for federal disaster assistance.

58.8(2) *Exhaustion of funds.* The program shall be discontinued when funds available for the program have been exhausted. To ensure equitable treatment, applications for assistance shall be approved on a first-come, first-served basis until all funds have been depleted. "First-come, first-served" is determined by the date the application is approved for payment.

a. Partial payment. Because funds are limited, applications may be approved for less than the amount requested. Payment cannot be approved beyond the amount of funds available.

b. Reserved funds. A portion of allocated funds shall be reserved for final appeal decisions reversing the department's denial that are received after funds for the program have been awarded.

c. Untimely applications. Applications received after the program is discontinued shall be denied.

These rules are intended to implement Iowa Code chapter 29C as amended by 2007 Iowa Acts, House File 896.

441—58.9 to **58.20** Reserved.

DIVISION II
FAMILY INVESTMENT PROGRAM—EMERGENCY ASSISTANCE
[Prior to 10/13/93, 441—58.1 to 58.11]

PREAMBLE

This division implements the emergency assistance program, which is designed to assist families who face homelessness or other types of emergencies. The purpose of the program is to provide financial assistance on behalf of a needy child or children and any other members of the household to meet needs that have been caused by an emergency and that the household is unable to fulfill. The program provides a means to deal with financial situations that threaten the health and well-being of an eligible family. It is intended to meet an immediate need that would not otherwise be met. Assistance shall not be denied even if the assistance payment will provide only a temporary resolution to an ongoing problem.

441—58.21(234) Definitions.

"Child" means a person under age 18 who has not reached majority through marriage. Emergency assistance shall continue through the month in which the child turns 18. "Child" also means a person aged 18 who is a full-time student in a secondary school or in the equivalent level of vocational or technical training, who is expected to complete the program before reaching 19 and who has not reached majority through marriage. Emergency assistance shall continue through the month in which school or training is completed. In those cases in which the child reaches 19 in the same month as the child completes school or training, emergency assistance shall continue through the month of the child's nineteenth birthday.

"Destitution" means lack of shelter because of an emergency situation.

"Emergency" means, for the purposes of this program, a situation that threatens the family's living arrangements or will result in destitution unless immediate financial assistance is provided.

"Homelessness" means the lack of a fixed and regular nighttime residence or a residence which is:

1. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter).
2. A halfway house or similar institution that provides temporary residence for persons intended to be institutionalized.
3. A temporary accommodation in the residence of another person.
4. A place not designed for or ordinarily used as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

"Household" means, for the purposes of determining income, resources and household size, the following persons living in the household. The:

1. Applicant.
2. Applicant's legal or common-law spouse.
3. Applicant's child(ren).
4. Legal or biological parent of the child(ren).
5. Applicant's child(ren)'s sibling(s) of whole or half blood or adoptive.

6. Applicant and any child under the care of the applicant when the applicant meets the definition of "relative" as defined at 441—paragraph 41.22(3)*"a."*

Persons temporarily not living with the household at the time of the interview shall not be considered members of the household.

441—58.22(234) General provisions. Emergency assistance is available to families with children (including migrant families), who are faced with a crisis situation causing a threat to the families' living arrangements. Emergency assistance is also available to children who are living on their own but who have been living, within the six months prior to applying for the program, with a relative as defined at 441—paragraph 41.22(3)*"a,"* provided an emergency exists. The program is operated statewide and is funded on a fiscal-year basis (from July through June). When funds are expended prior to the end of the fiscal year, the program will be discontinued until funding is received for the next fiscal year in accordance with rule 441—58.30(234). Emergency assistance is not intended as a substitute for regular assistance grants from an ongoing program but is intended to be the program of last resort when no other sources of assistance are available. Emergency assistance shall also be provided for that portion of an emergency need not covered by benefits from other programs due to those programs' limitations.

441—58.23(234) Application procedures.

58.23(1) *Date of application.* The date of application shall be determined by the date a signed Form 470-2762, Emergency Assistance Application, is received in any local office or department-designated site. When an application is delivered to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open. To be considered valid, the application must contain a legible name and address and must be signed.

a. The emergency assistance case record must contain a completed application for each 30-day eligibility period. Whenever an initial application is denied, withdrawn, or more than 30 days old, the household shall be required to complete a new application form.

b. At least one face-to-face interview shall be conducted before approval of the application. The face-to-face interview may be held in the county office, at a department-designated site, or in the applicant's home.

(1) The applicant may appoint an authorized representative to attend the interview if the applicant is unable to attend. The authorized representative must be a person knowledgeable of the household's circumstances.

(2) If the applicant or authorized representative fails to attend the required interview, the application shall be denied.

(3) When it is impossible to hold a face-to-face interview within the ten-day time frame for processing applications as described at 58.23(2), the county office or department designee may waive the face-to-face interview and hold a telephone conference instead.

c. The household's declaration shall be accepted except when verification is required by these rules or information appears questionable. The decision with respect to eligibility shall be based largely on information provided by the household.

58.23(2) *Time limits.* Applications shall be processed within ten calendar days from the date of receipt to resolve the household's emergency. The ten-day time standard for approval shall apply except in unusual circumstances, such as when the department and the household have made every reasonable effort to secure necessary information which has not been supplied by the date the time limit expires; or because of emergency situations, such as fire, flood or other conditions beyond the administrative control of the department.

58.23(3) *Additional information required.* When additional information or verification is required, the household shall be requested in writing to provide that information within five calendar days. The written request shall also inform the household that failure to provide the required information within five calendar days or failure to authorize the local office to secure the information from other sources will result in denial of the application. The five-day period begins the day after the date the local office issues the written request.

The five-day time limit to provide additional information shall be extended if the household is unable to obtain the information by the requested date due to circumstances beyond the household's control, such as illness, or the source who is to provide the verification causes a delay, or due to emergencies like fire, flood, etc.

58.23(4) *Basis for decision on application.* The decision with respect to eligibility for emergency assistance shall be made based on the household's circumstances as they exist on the date of the interview.

58.23(5) *Subsequent requests for assistance.* Except for verifying that an emergency exists and applying for benefits from LIHEAP, general relief, or veterans affairs, the household is not required to reverify eligibility factors for approval of additional emergency assistance payment requests made within the 30-day authorization period. The time limits for processing additional requests for assistance remain the same as initial requests.

441—58.24(234) Eligibility requirements. A household, including a migrant household, shall be eligible for emergency assistance when the following conditions are met:

58.24(1) *Existence of an emergency.* An emergency shall exist, limited to eviction, foreclosure, utility shutoff, fuel shortage, loss of heating energy supply or equipment, or homelessness. An emergency does not exist for gas or electricity shutoff when a household is approved for LIHEAP and is protected by the moratorium on disconnection between November 1 and March 31.

a. An emergency also exists when there is a potential for eviction, foreclosure, utility shutoff, fuel shortage, loss of heating energy supply or equipment, or homelessness. For a household to qualify for emergency assistance, the potential emergency shall be expected to happen within the month of application or the following month.

b. The household shall be required to provide proof that an emergency exists. Acceptable verification includes, but is not limited to:

(1) An eviction notice.

(2) A foreclosure notice.

(3) A utility shutoff notice.

(4) A written statement to verify homelessness from the party or shelter where the household is staying.

(5) Other written documentation, as needed.

c. If the amount necessary to resolve the emergency exceeds the $500 maximum payment of the emergency assistance program, the applicant must be able to verify the ability to pay the difference from other resources, or the emergency assistance application shall be denied.

58.24(2) *Income and resources.* The household's available income and resources shall be within the limits as defined at rules 441—58.26(234) and 441—58.27(234).

58.24(3) *Receipt of assistance.* The household shall not have received assistance in Iowa from the program within one year prior to the date the first payment is authorized. The 12-month period begins on the date the first payment is approved. If any household member received emergency assistance within the past 12 months, the entire household is ineligible.

58.24(4) *Child in household.* The household shall contain at least one child who is living with the household.

58.24(5) *Child in need.* To be considered in need, the child shall be destitute or be without living arrangements unless assistance is provided.

a. The child is not in destitution or need if in the 30 days before application or subsequent request for emergency assistance a member of the household (including the child aged 16 or older who is not attending elementary, secondary or the equivalent level of vocational or technical school full-time) who does not have acceptable reasons for nonparticipation as described at 441—subrule 93.14(4) or barriers to participation as described at 441—subrule 93.4(5):

(1) Refused a job offer or training for employment.

(2) Was dismissed from a job due to the member's own actions which meet the definition of "misconduct" in 441—subparagraph 93.13(2)*"i"*(1).

(3) Quit employment.

(4) Reduced earnings.

(5) Began participation in a strike.

(6) Chose a limited benefit plan.

b. The 30-day period of ineligibility shall begin the day after the household member reduced earnings or was dismissed from a job.

(1) When a member quits a job, participates in a strike, or refuses employment, each day the job or offer for employment remains available or the household member participates in a strike is considered a day of job refusal. In these situations, the 30-day period of ineligibility shall begin the day the person returns to the job or accepts the job offer or the day after the job or offer for employment is no longer available.

(2) When a person chooses a first limited benefit plan, each day the person fails to reconsider by contacting IM or PROMISE JOBS counts as a day of refusal. The day the person reconsiders begins the 30-day period of ineligibility. When a person chooses a subsequent limited benefit plan, the 30-day ineligibility period shall begin the day after the date on the notice of decision establishing the person's limited benefit plan.

c. Whenever the household is determined to have good cause for refusing employment, quitting employment, or reducing earnings for the family investment program, no further determination is required for the emergency assistance program. Verification of the circumstances resulting in refusal, loss, or reduction of employment is not required unless information provided appears questionable.

58.24(6) *Application for other benefits.* The household shall apply for and accept benefits for which the household may be qualified from the energy assistance, county general relief and veteran's affairs programs before approval for emergency assistance.

a. Verification that the household has met the requirements of first seeking assistance from these programs shall be documented on Form 470-2804, Disposition of Application for Other Benefits. A separate form shall be completed for each program to which the applicant is referred.

b. Emergency assistance benefits shall not be approved while an application for other benefits is pending.

c. If a household is denied general relief within 30 days before emergency assistance application, and the denial was due to failure to work off past general relief assistance, emergency assistance shall also be denied.

58.24(7) *Citizenship and alienage.* The household shall contain at least one child who meets citizenship and alienage requirements as defined at 441—subrule 41.23(5). The household shall verify the alien status of at least one child to determine if the household contains an eligible child. There is no need to reverify the alien status unless it is subject to change.

58.24(8) *Utility service connection.* Applicants shall provide verification from the utility company that all requirements to provide service have been met before payment to the utility company for utility deposits for new or reconnected service will be approved. When a household applies for emergency assistance due to a disconnect notice, the household must provide verification from the utility company that the applicant either has signed a payment plan or is not eligible for a payment plan. Failure to provide this verification shall result in denial of the emergency assistance application.

441—58.25(234) Determination of need. Needs covered are limited to rent payments, house payments (including property taxes and homeowner's insurance if included in the house payment), rent and utility deposits, utilities, and purchase, repair, or rental of heating equipment. Utilities shall include heat (electric, gas, fuel oil, wood, etc.), lights, water, sewer, and garbage, but shall not include telephone. Heating equipment shall include, but is not limited to, furnace, space heater, kerosene heater, wood stove, etc. Air conditioners shall not be funded.

441—58.26(234) Income. The household's nonexempt gross income, with the exception of the deductions specified at subrule 58.26(2), shall not exceed 100 percent of the poverty level of the Office of Management and Budget (OMB). Changes in OMB's poverty guidelines shall go into effect the second month after the changes are published. When determining income and household size,

the household shall be determined as defined in rule 441—58.21(234). All income reported by the household shall be verified.

58.26(1) *Income considered.* Income considered shall include, but is not limited to, all gross income received or reasonably anticipated to be received by the household in the month of application, such as the family investment program (FIP) grant, veteran's pension, social security benefits, supplemental security income (SSI), job insurance benefits, child support income, alimony, workers' compensation benefits, cash payments from any of the DHS diversion programs, adoption subsidies, foster care payments, retroactive payments from any source, lump-sum income, earnings from on-the-job training, work-study income, income tax refunds (if received in the month of application), loans and grants available for living expenses (including unprorated gross educational moneys received in the month of application that are not earmarked), interest income (if received in the month of application), maintenance payments, Volunteers in Service to America (VISTA) payments, gifts, refunds from rental and utility deposits, earned income credit, self-employment income (net profit expected to be received in the month of application, not annualized), earnings from employment, and earnings of a child aged 16 or over who is not attending elementary, secondary or the equivalent of vocational or technical school full-time. The following deductions shall be allowed from earned income:

a. The actual, verified amount of employment-related, nonreimbursed child care expenses incurred or reasonably expected to be incurred in the month of application. A child care deduction shall also be allowed for VISTA volunteers.

b. Allowable business expenses in a self-employment enterprise, as defined at 441—subrule 41.27(2).

58.26(2) *Exempt income.* Exempt income shall include reimbursements; earned as well as unearned income in-kind; vendor payments; earnings of a child under age 16, or age 16 or older, if the child is attending elementary, secondary or the equivalent level of vocational or technical training school full-time; training allowances designated for a specific purpose (such as those issued by the Workforce Investment Act, PROMISE JOBS, Vocational Rehabilitation Services, Food Stamp Employment and Training program, etc.); that amount of the lump sum expended for legal, medical or burial expenses; and legally obligated moneys. Legally obligated money means money that is otherwise payable to the household, but which is diverted by the provider of the payment to a third party for a household expense without the household's consent. Examples of legally obligated moneys are the amount withheld from job insurance benefits to recover an overpayment or for child support for a child not living with the household; or the amount of child support withheld from earnings for a child not living with the household.

58.26(3) *Exempt as income and resources.* Deposits into an individual development account (IDA) are exempt. The amount of the deposit is exempt as income and shall not be used in the 100 percent of poverty level eligibility test. The deposit must be deducted from nonexempt earned and unearned income that the client receives in the month of application, provided the deposit is made in the month of application. To allow a deduction, verification of the deposit must be provided within five calendar days as described in subrule 58.23(3). The client shall be allowed a deduction only when the deposit is made from the client's money. The earned income deductions described in 58.26(1)*"a"* and *"b"* shall be applied to earnings from employment or net profit from self-employment that remains after deducting the amount deposited into the account. If the client has both earned and unearned income, the amount deposited into the IDA shall first be deducted from the client's nonexempt unearned income. Deposits shall not be deducted from earned or unearned income that is exempt.

441—58.27(234) Resources. The household's liquid resources shall not exceed $1000. Liquid resources are limited to cash on hand, money in checking, savings or credit union accounts, and savings certificates, with the following exceptions: The balance in an individual development account (IDA), including interest earned on the IDA, is exempt as a resource. Income in any given month is not counted as a resource in the same month. When liquid resources are owned by more than one person, unless otherwise established, it is assumed that all persons hold equal shares in the resources. When determining countable resources, the household shall be determined as defined in rule 441—58.21(234). All other resources

are exempt. The household's declaration of the amount of liquid resources shall be accepted unless the declaration appears questionable or the amount declared is close to the resource limitation. The household is not required to apply its available resources toward the emergency as long as the resources are within the prescribed limits.

441—58.28(234) Payment.

58.28(1) *Maximum payment.* The maximum payment shall not exceed $500 per authorization period. This amount can be applied to a single need or to several needs, not to exceed the maximum amount. Payment shall be issued in the amount of the need, not to exceed $500. When the emergency need is greater than $500 (or more than the maximum amount still available to the applicant, if a subsequent request is being made), emergency assistance shall be approved only when the applicant provides verification that either:

a. The vendor will accept payment of up to $500 (or the maximum amount available) to resolve the emergency, or

b. Another source will supply the amount needed over and above the emergency assistance payment amount.

58.28(2) *Vendor payment.* Payment shall be issued directly to the vendor in form of a state warrant unless the vendor is a state employee.

a. Vendors shall be required to complete Form 470-2781, Approval for Vendor Payment, before payment shall be issued. The vendor shall provide a copy of IRS Form W-9, Request for Taxpayer Identification Number and Certification, if necessary, to resolve vendor name or vendor number discrepancies.

b. Form 470-2781 shall also be used to notify the vendor of the amount approved for payment. Payment is owed to the vendor in the amount approved on Form 470-2781 even if emergency assistance funds are exhausted or emergency assistance eligibility is found not to exist when system entries are made. If the household provides verification of an emergency item and the cost of the item on another document, there is no need to send Form 470-2781 to the vendor to reverify the information.

c. Payment to state employees shall be made as follows:

(1) If the emergency assistance payment is for a service, such as furnace repair, the payment is included in the vendor's regular state paycheck as extra pay.

(2) If the emergency assistance payment is for goods, such as rent, rent deposit, or purchase of heating equipment, payment to the vendor is processed in the form of a travel voucher.

58.28(3) *Authorization period.* The authorization period is limited to a period of 30 consecutive days in a 12-month period, and payment shall be approved if the request is received within that period. The 30-day authorization period begins on the date the first emergency assistance payment is approved for an eligible household. The household may be eligible for more than one payment as long as the total amount of all payments does not exceed the maximum amount and all requests for additional payments are received within the period of 30 consecutive days. Any portion of the maximum payment amount not used in the 30-day authorization period cannot be carried forward to a future authorization period.

58.28(4) *Returned warrants and donations to emergency assistance.* Any refunds of emergency assistance money shall be returned to the DHS county office. Returned funds shall be deposited back into the emergency assistance account.

a. When an emergency assistance client or vendor returns the emergency assistance warrant or returns an emergency assistance payment in the form of a money order, personal check, or cash, the county office shall accept the repayment and complete Form 470-0009, Official Receipt.

b. The department may receive refunds of rent deposits that were paid on behalf of emergency assistance clients by a combination of assistance from the emergency assistance program and other persons or organizations.

c. Donations shall be handled in the same manner as refunds and shall be deposited into the emergency assistance account.

58.28(5) *Misdirected warrants.* Replacement of an emergency assistance warrant does not apply when the warrant is inadvertently delivered to the emergency assistance client rather than the vendor,

and the client endorses it with the client's own name and cashes it. This is not an overpayment, because the warrant is issued on behalf of the same client who cashed it. It is up to the vendor to pursue the matter with the post office, the place of business that cashed the warrant, or the client and to work out possible repayment arrangements.

441—58.29(234) Notification and appeals. All emergency assistance households shall be given notice with respect to the decision on their application for assistance in accordance with 441—subrule 7.7(1). Households have the right to appeal the department's decision in accordance with rule 441—7.5(17A).

441—58.30(234) Discontinuance of the emergency assistance program. The program shall be discontinued when funds have been exhausted. To ensure equitable treatment, applications for emergency assistance shall be approved on a first-come, first-served basis until all funds have been depleted. First-come, first-served is determined by the date the application is approved for payment and entered into the emergency assistance computer system.

58.30(1) *Partial payment.* Because funds are limited, applications may be approved for less than the amount requested. Payment cannot be approved beyond the amount of funds available.

58.30(2) *Reserved funds.* A portion of yearly emergency assistance funds shall be reserved for final appeal decisions reversing the department's denial that are received after funds for the program have run out.

58.30(3) *Untimely applications.* Emergency assistance applications received after the program is discontinued for the year and more than five working days before the program begins again the next year shall be denied.

441—58.31(234) Special information received from emergency assistance clients. Rescinded IAB 10/2/02, effective 10/1/02.

These rules are intended to implement Iowa Code section 234.6.

441—58.32 to **58.40** Reserved.

DIVISION III
TEMPORARY MEASURES RELATED TO DISASTERS

441—58.41(217) Purpose. The rules in this division are intended to allow the department to deliver services more effectively during or following a disaster emergency declared by state or federal officials. These rules temporarily supersede departmental rules that would otherwise apply, with the primary purpose of reducing barriers to accessing and receiving services that may result from the emergency. The rules shall be tailored to meet special circumstances that arise from a specific disaster emergency and shall be time-limited.

This rule is intended to implement Iowa Code section 217.6.

[**ARC 7577B**, IAB 2/25/09, effective 4/1/09]

441—58.42(234,237A,239B,249,249A,249J,514I) Extension of scheduled reporting and review requirements. Normal scheduled reporting, review, recertification, redetermination, or similar requirements related to continued eligibility are amended as follows:

58.42(1) *Scheduled actions due in June 2008.* For the month of June 2008, no quarterly report, six-month or 12-month review, or similar recertification or redetermination normally required under the following chapters shall be required of households residing in the most affected counties during the month. For all programs except food assistance, the designated counties are Black Hawk, Bremer, Butler, Johnson, and Linn.

1. 441—Chapter 40 (family investment program);
2. 441—Chapter 50 (state supplementary assistance);
3. 441—Chapter 65 (food assistance);
4. 441—Chapter 75, 76, or 83 (medical assistance and family planning waiver);

5. 441—Chapter 86 (HAWK-I);
6. 441—Chapter 92 (IowaCare); or
7. 441—Chapter 170 (child care assistance).

58.42(2) *Scheduled actions due in July and August 2008.* For the months of July and August 2008, no quarterly report, six-month or 12-month review, or similar recertification or redetermination normally required under the following chapters shall be required of households residing in any county of the state:

1. 441—Chapter 40 (family investment program);
2. 441—Chapter 50 (state supplementary assistance);
3. 441—Chapter 65 (food assistance);
4. 441—Chapter 75, 76, or 83 (medical assistance and family planning waiver);
5. 441—Chapter 86 (HAWK-I);
6. 441—Chapter 92 (IowaCare); or
7. 441—Chapter 170 (child care assistance).

58.42(3) *Next scheduled action due.* For those households affected under subrules 58.42(1) and 58.42(2), the next report, review, recertification, or redetermination shall be scheduled as if the action due in June, July, or August 2008 had occurred. For example, if a six-month review was to have occurred in June 2008, the next review will be due in December 2008. Likewise, if a 12-month recertification was due in July 2008, the next recertification will be due in July 2009.

58.42(4) *Continuing to report and act on changes.* Other than as provided by this rule, households shall continue to comply with program requirements for reporting changes in circumstances. Good cause provisions for not reporting changes timely shall apply as provided by existing rules. The department shall continue to act on all changes reported or otherwise known to the department that may affect eligibility or benefits during the extended reporting, review, recertification and redetermination periods provided under this rule.

This rule is intended to implement Iowa Code chapters 234, 237A, 239B, 249, 249A, 249J, and 514I.
[**ARC 7577B**, IAB 2/25/09, effective 4/1/09]

441—58.43(237A) Need for child care services. State child care assistance eligibility requirements concerning need for service in rule 441—170.2(237A,239B) shall be held in abeyance for households residing in governor-declared disaster counties during the months of June, July, and August 2008. Households in those counties that previously met the requirement shall be considered to continue to meet the requirement for those three months if the disaster and ensuing recovery temporarily prevent the household from otherwise meeting this requirement.

This rule is intended to implement Iowa Code section 237A.13.
[**ARC 7577B**, IAB 2/25/09, effective 4/1/09]

441—58.44(249A,249J,514I) Premium payments. Individuals residing in any Iowa county declared by the governor to be a disaster area who would otherwise have their assistance under 441—Chapter 75 (medical assistance), 441—Chapter 86 (HAWK-I), or 441—Chapter 92 (IowaCare) canceled for failure to make a premium payment in the months of June or July 2008 shall not have their assistance canceled for this reason.

This rule is intended to implement Iowa Code chapters 249A, 249J, and 514I.
[**ARC 7577B**, IAB 2/25/09, effective 4/1/09]

441—58.45(249A) Citizenship and identity. Citizenship and identity requirements under 441—Chapter 75 for medical assistance applicants shall be held in abeyance for the months of June, July, and August 2008, for individuals residing in counties declared disaster areas by the governor as provided in this rule.

58.45(1) An affidavit may be used to establish both citizenship and identity when other forms of verification are not available and the department is unable to obtain verification through a match with vital records maintained by the department of public health.

58.45(2) An individual approved for medical assistance under this rule shall be granted a certification period of only three months. At the end of the three-month period, the individual shall be required

to provide documentation of citizenship and identity as otherwise required under 441—Chapter 75 to continue eligibility.

This rule is intended to implement Iowa Code chapter 249A.

[**ARC 7577B**, IAB 2/25/09, effective 4/1/09]

[Filed emergency 10/12/90 after Notice 8/22/90—published 10/31/90, effective 11/1/90]
[Filed emergency 6/14/91—published 7/10/91, effective 7/1/91]
[Filed without Notice 9/18/91—published 10/16/91, effective 11/21/91]
[Filed 9/18/91, Notice 7/10/91—published 10/16/91, effective 12/1/91]
[Filed emergency 10/10/91—published 10/30/91, effective 11/21/91]
[Filed 1/29/92, Notice 10/16/91—published 2/19/92, effective 3/25/92]
[Filed 5/14/92, Notice 3/18/92—published 6/10/92, effective 8/1/92]
[Filed emergency 9/17/93—published 10/13/93, effective 10/1/93]
[Filed emergency 11/12/93—published 12/8/93, effective 1/1/94]
[Filed 12/16/93, Notice 10/13/93—published 1/5/94, effective 3/1/94]
[Filed 2/10/94, Notice 12/8/93—published 3/2/94, effective 5/1/94]
[Filed emergency 1/15/97—published 2/12/97, effective 3/1/97]
[Filed 4/11/97, Notice 2/12/97—published 5/7/97, effective 7/1/97]
[Filed emergency 9/12/02 after Notice 7/24/02—published 10/2/02, effective 10/1/02]
[Filed emergency 3/5/07—published 3/28/07, effective 3/5/07]
[Filed emergency 6/13/07 after Notice 3/28/07—published 7/4/07, effective 7/1/07]
[Filed emergency 6/11/08—published 7/2/08, effective 7/1/08]
[Filed emergency 7/9/08—published 7/30/08, effective 7/9/08]
[Filed 10/14/08, Notice 7/2/08—published 11/5/08, effective 12/10/08]
[Filed 12/15/08, Notice 10/22/08—published 1/14/09, effective 3/1/09]
[Filed ARC 7577B (Notice ARC 6995B, IAB 7/30/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 4
EMPLOYERS
[Prior to 6/9/04, see 581—Ch 21]

495—4.1(97B) Covered employers.

4.1(1) Definition. All public employers in the state of Iowa, its cities, counties, townships, agencies, political subdivisions, instrumentalities and public schools are required to participate in IPERS. For the purposes of these rules, the following definitions also apply:

a. *"Political subdivision"* means a geographic area or territorial division of the state which has responsibility for certain governmental functions. Political subdivisions are characterized by public election of officers and taxing powers. The following examples are representative: cities, municipalities, counties, townships, schools and school districts, drainage and levee districts, and utilities.

b. *"Instrumentality of the state or a political subdivision"* means an independent entity that is organized to carry on some specific function of government. Public instrumentalities are created by some form of governmental body, including federal and state statutes and regulations, and are characterized by being under the control of a governmental body. Such control may include final budgetary authorization, general policy development, appointment of a board by a governmental body, and allocation of funds.

c. *"Public agency"* means state agencies and agencies of political subdivisions. Representative examples include an executive board, commission, bureau, division, office, or department of the state or a political subdivision.

d. Effective July 1, 1994, the definition of employer includes an area agency on aging that does not offer an alternative plan to all of its employees that is qualified under the federal Internal Revenue Code.

Covered employers include, but are not limited to: the state of Iowa and its administrative agencies; counties, including their hospitals and county homes; cities, including their hospitals, park boards and commissions; recreation commissions; townships; public libraries; cemetery associations; municipal utilities including waterworks, gasworks, electric light and power; school districts including their lunch and activity programs; state colleges and universities; and state hospitals and institutions.

An entity not already reporting to IPERS which meets the conditions for becoming an IPERS covered employer shall immediately contact IPERS to provide notice which includes the name and address of the entity and other information required by IPERS. If, after review of this information, IPERS determines that the entity should be enrolled as a covered employer, IPERS will notify the entity and provide an IPERS account number for the entity to use when submitting information. IPERS shall not be required to provide benefits otherwise available under Iowa Code chapter 97B for periods of service prior to the effective date for which IPERS actually approves the entity for coverage, unless the employer agrees to pay the full actuarial cost of providing such benefits.

An employer may request a revised beginning date for its status as a covered employer. The employer must submit acceptable proof to IPERS that its status as a covered employer began earlier than the date previously provided. In such case, the employer shall provide IPERS coverage retroactively to all employees providing services to that employer on or after the revised beginning date and shall pay all actuarial costs.

4.1(2) Name change. Any employer which has a change of name, address, title of the employer, its reporting official or any other identifying information shall immediately give notice in writing to IPERS. The notice shall provide IPERS with the following information:

a. Former name;

b. Former address;

c. IPERS account number;

d. New name, address, and telephone number of the employer;

e. Reason for the change if other than a change of reporting official; and

f. Effective date of the change.

4.1(3) Termination. Any employer which terminates or is dissolved for any reason shall provide IPERS with the following:

a. Complete name and address of the dissolved entity;
b. Assigned IPERS account number;
c. Last date on which wages were paid;
d. Date on which the entity dissolved;
e. Reason for the dissolution;
f. Whether or not the entity expects to pay wages in the future;
g. Whether the entity is being absorbed by another covered employer;
h. Name and address of absorbing employer if applicable; and
i. Name and address of employer that will retain the records of the dissolved entity.

4.1(4) Reports of dissolved or absorbed employers. An employer that has been dissolved or entirely absorbed by another employer is required to file a monthly report with IPERS through the effective date on which it was dissolved or absorbed. Any wages paid after this date are reported under the account number assigned to the new or successor employer, if any.

4.1(5) IPERS account number. Each employer is assigned an IPERS account number. This number should be used on all correspondence and reporting forms directed to IPERS.

4.1(6) For patient advocates employed under Iowa Code section 229.19, the county or counties for which services are performed shall be treated as the covered employer(s) of such individuals, and each such employer is responsible for forwarding reports and for withholding and forwarding the applicable IPERS contributions on wages paid by each employer.

495—4.2(97B) Records to be kept by the employer.

4.2(1) General. Each employer shall maintain records to show the information hereinafter indicated. Records shall be kept in the form and manner prescribed by IPERS. Records shall be open to inspection and may be copied by IPERS and its authorized representatives at any reasonable time.

4.2(2) Records shall show with respect to each employee:

a. Employee's name, address and social security account number;
b. Each date the employee was paid wages or other wage equivalent (e.g., room, board);
c. Total amount of wages paid on each date including noncash wage equivalents;
d. Total amount of wages including wage equivalents on which IPERS contributions are payable;
e. Amount withheld from wages or wage equivalents for the employee's share of IPERS contributions; and
f. Effective January 1, 1995, records will show, with respect to each employee, member contributions picked up by the employer.

4.2(3) Reports.

a. Each employer shall make reports as IPERS may require and shall comply with the instructions provided by IPERS for the reports.

b. Effective July 1, 1991, employers must report all terminating employees to IPERS within seven working days following the employee's termination date. This report shall contain the employee's last-known mailing address and such other information as IPERS might require.

c. Effective December 31, 2004, and annually thereafter, employers whose job classes include correctional officers, correctional supervisors, and others whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety and security within a correctional facility shall submit to IPERS each calendar year a list of jobs that qualify for protection occupation class coverage. This report shall also contain any changes in the designation of jobs as qualifying or not qualifying for protection occupation class coverage and effective dates of changes. IPERS' sole responsibility with respect to protection occupation status determinations is to ascertain whether IPERS' records correctly reflect service credit and contributions that are in accordance with the employer's designation of a position as being within a protection occupation class.

4.2(4) Fees. IPERS may assess to the employer a fee for administrative costs as described in subrule 4.3(6).

495—4.3(97B) Wage reporting and payment of contributions by employers.

4.3(1) *Payment of contributions.* For wages paid on or after July 1, 2008, all covered employers are required to pay contributions on a monthly basis. Upon enrollment as an IPERS covered employer, the employer shall receive the appropriate forms and instructions from IPERS to submit contributions. IPERS will provide monthly statements to each employer.

IPERS accepts the payment of contributions through electronic funds transfer. Payments utilizing the electronic funds transfer system shall be made according to the procedure described in subrule 4.3(3).

IPERS accepts the payment of contributions using checks and remittance advice forms. Employers filing monthly employer remittance advice forms on paper for two or more employers shall attach the checks to each remittance form. Checks shall be made payable to the Iowa Public Employees' Retirement System and mailed with the employer remittance advice form to IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Effective August 1, 2008, such payments and reports shall be subject to a fee as described in subrule 4.3(6).

4.3(2) *Wage reports.* For wages paid on or after July 1, 2008, all IPERS covered employers are required to file wage reports on a monthly basis. IPERS will provide the forms and instructions for wage reporting to employers. Each wage report must include the required information for all employees who earned reportable wages or wage equivalents under IPERS. The reports must be received by IPERS on or before the fifteenth day of the month following the month in which the wages were paid. If the fifteenth day falls on a weekend or holiday, the wage report is due on the next regularly scheduled business day.

Effective August 1, 2008, IPERS shall accept wage reports electronically via the IPERS' employer self service Web application, on compact discs, or as a paper report. However, for those employers submitting reports on compact discs or on paper, IPERS shall charge a fee as described in subrule 4.3(6).

4.3(3) *Deadlines for payment of contributions.*

a. Contributions must be paid monthly and must be received by IPERS on or before the fifteenth day of the month following the month in which wages were paid. If the fifteenth day falls on a weekend or holiday, the contribution is due on the next regularly scheduled business day.

b. For employers paying contributions by electronic funds transfer, wage reports and contributions may be submitted at the same time.

4.3(4) *Request for time extension.* A request for an extension of time to file a wage report or pay a contribution may be granted by IPERS for good cause if a request is made before the due date, but no extension shall exceed 15 days beyond the due date. If an employer that has been granted an extension fails to submit the wage report or pay the contribution on or before the end of the extension period, the applicable interest and fees shall be charged and paid from the original due date as if no extension had been granted. If the fifteenth day falls on a weekend or holiday, the contribution or report is due on the next regularly scheduled business day.

To establish good cause for an extension of time to file a wage report or pay contributions, the employer must show that the delinquency was not due to mere negligence, carelessness or inattention. The employer must affirmatively show that it did not file the report or timely pay because of some occurrence beyond the control of the employer.

4.3(5) *No reportable wages.* When an employer has no reportable wages during the applicable reporting period, the wage reporting document shall be filed according to subrule 4.3(2). Even if there are no reportable wages, the employer's account is considered delinquent for the reporting period and is subject to a fee until the report is filed. However, if the employer has notified IPERS on or before the due date that there are no wages to report, IPERS will adjust the due date, and no fee will be charged.

4.3(6) *Fees for noncompliance.* IPERS is authorized to impose reasonable fees on employers that do not file wage reports through the IPERS' employer self service Web application as described in subrule 4.3(2), that fail to timely file accurate wage reports, or that fail to pay contributions when due pursuant to subrule 4.3(3).

For submissions filed on or after August 1, 2008, IPERS shall charge employers a processing fee of $20 plus 25 cents per employee for late submissions and manual processing of wage reports by IPERS. Employers that are late or that do not use IPERS' employer self service Web application may be charged both fees. In addition, if a fee for noncompliance is not paid by the fifteenth day of the month after the fee

is assessed, the fee will accrue interest daily at the interest rate provided in Iowa Code section 97B.70. No fee will be charged on late contributions received as a result of a wage adjustment, but interest on the amount due will be charged until paid in full.

If the due date for a fee falls on a weekend or holiday, the due date shall be the next regularly scheduled business day.

4.3(7) *Erroneously reported wages for employees not covered under IPERS.* Employers that erroneously report wages for employees who are not eligible for coverage under IPERS may file an IPERS wage reporting adjustment form. IPERS shall return a warrant or issue a credit for both the employer and employee contributions made in error. The employer is responsible for returning the employees' share and for filing corrected federal and state wage reporting forms. Adjustments in such cases will be reported on the employer's monthly statement. Under no circumstance shall the employer adjust these wages by underreporting wages on a future periodic wage reporting document. Wages shall never be reported as a negative amount. An employer that completes the employer portion of an employee's request for a refund on an IPERS refund application form will not be permitted to file a periodic wage reporting adjustment form for that employee for the same time period. No fee will be assessed to employers that correct information as provided under this subrule.

4.3(8) *Contributions paid on wages in excess of the annual covered wage maximum.* For wages paid on or after July 1, 2008, whenever IPERS determines that an employee's wages will exceed the annual maximum established under Section 401(a)(17) of the Internal Revenue Code during a given month, IPERS shall notify the applicable employer and shall return the related excess contributions. IPERS will detail on the monthly report those employees for whom wages were reported in excess of the covered wage ceiling. The employer is responsible for returning the employee's share of excess contributions and making the applicable tax corrections.

4.3(9) *Termination within less than six months of the date of employment.* If an employee hired for permanent employment terminates within six months of the date of employment, the employer may file an IPERS form for reporting adjustments to receive a warrant or a credit, as elected by the employer, for both the employer's and employee's portions of the contributions. It is the responsibility of the employer to return the employee's share. "Termination within less than six months of the date of employment" means employment is terminated prior to the day before the employee's six-month anniversary date. For example, an employee hired on February 10 whose last day is August 8 would be treated as having resigned within less than six months. An employee hired on February 10 whose last day is August 9 (the day before the six-month anniversary date, August 10) would be treated as having worked six months and would be eligible for a refund.

4.3(10) *Reinstatement following an employment dispute.* Employees who are reinstated following an employment dispute may restore membership service credit as described in 495—9.5(97B).

495—4.4(97B) Accrual of interest and application of employer payments. Interest or charges as provided under Iowa Code section 97B.9 shall accrue on all employer payments not received by IPERS by the due date, except that interest or charges may be waived by IPERS if the employer requests an extension of time under subrule 4.3(4) prior to the due date. Effective August 1, 2008, employers that remit late contributions shall be charged a minimum of $20 or interest at the rate provided in Iowa Code section 97B.70, whichever is greater. No fee will be charged on late contributions received as a result of a wage adjustment, but interest on the amount due will be charged until paid in full. Payments received from employers having unpaid account balances shall first be applied to the oldest outstanding balance.

495—4.5(97B) Credit memos voided. Rescinded IAB 3/26/08, effective 4/30/08.

495—4.6(97B) Contribution rates. The following contribution rate schedule, payable on the covered wage of the member, is determined by the position or classification and the occupation class code of the member.

4.6(1) Contribution rates for regular class members.

a. Effective July 1, 2007, except as otherwise provided by law, the following contribution rates shall be effective for all covered members except those identified in subrules 4.6(2) and 4.6(3):

	Ended June 30, 2007	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009	Effective July 1, 2010
Combined rate	9.45%	9.95%	10.45%	10.95%	11.45%
Employer	5.75%	6.05%	6.35%	6.65%	6.95%
Employee	3.70%	3.90%	4.10%	4.30%	4.50%

b. Effective July 1, 2011, and every year thereafter, the contribution rates shall be publicly declared by IPERS staff no later than the preceding December as determined by the annual valuation of the preceding fiscal year. The public declaration of contribution rates will be followed by rule making that will include a notice and comment period and that will become effective no later than July 1 of the next fiscal year.

4.6(2) Contribution rates for sheriffs and deputy sheriffs.

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009
Combined rate	15.40%	15.04%	15.24%
Employer	7.70%	7.52%	7.62%
Employee	7.70%	7.52%	7.62%

4.6(3) Contribution rates for protection occupation.

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009
Combined rate	14.11%	14.08%	15.34%
Employer	8.47%	8.45%	9.20%
Employee	5.64%	5.63%	6.14%

4.6(4) Members employed in a "protection occupation" shall include:

a. Conservation peace officers. Effective July 1, 2002, all conservation peace officers, state and county, as described in Iowa Code sections 350.5 and 456A.13.

b. Effective July 1, 1994, a marshal in a city not covered under Iowa Code chapter 400 or a firefighter or police officer of a city not participating under Iowa Code chapter 410 or 411. (See employee classifications in rule 495—5.1(97B).) Effective January 1, 1995, part-time police officers shall be included.

c. Correctional officers as provided for in Iowa Code section 97B.49B. Employees who, prior to December 22, 1989, were in a "correctional officer" position but whose position is found to no longer meet this definition on or after that date shall retain coverage, but only for as long as the employee is in that position or another "correctional officer" position that meets this definition. Movement to a position that does not meet this definition shall cancel "protection occupation" coverage.

d. Airport firefighters employed by the military division of the department of public defense (airport firefighters). Effective July 1, 2004, airport firefighters become part of and shall make the same contributions as the other members covered under Iowa Code section 97B.49B. From July 1, 1994, through June 30, 2004, airport firefighters were grouped with and made the same contributions as sheriffs and deputy sheriffs. From July 1, 1988, through June 30, 1994, airport firefighters were grouped with and made the same contributions as the other members covered under Iowa Code section 97B.49B. From July 1, 1986, through June 30, 1988, airport firefighters were a separate protection occupation group and made contributions at a rate calculated for members of that group. Prior to July 1, 1986, airport firefighters were grouped with regular members and made the same contributions as regular members.

Notwithstanding the foregoing, all airport firefighter service prior to July 1, 2004, shall be coded by IPERS as sheriff/deputy sheriff/airport firefighter service, and all airport firefighter service after June 30, 2004, shall be coded by IPERS as protection occupation service. This coding, however, shall not supersede provisions of this title that require members to make contributions at higher rates in order to receive certain benefits, such as in the hybrid formula pursuant to 495—12.4(97B).

e. Airport safety officers employed under Iowa Code chapter 400 by an airport commission in a city with a population of 100,000 or more, and employees covered by the Iowa Code chapter 8A merit system whose primary duties are providing airport security and who carry or are licensed to carry firearms while performing those duties.

f. Effective July 1, 1990, an employee of the state department of transportation who is designated as a "peace officer" by resolution under Iowa Code section 321.477.

g. Effective July 1, 1992, a fire prevention inspector peace officer employed by the department of public safety. Effective July 1, 1994, a fire prevention inspector peace officer employed before that date who does not elect coverage under Iowa Code chapter 97A in lieu of IPERS.

h. Effective July 1, 1994, through June 30, 1998, a parole officer III with a judicial district department of correctional services.

i. Effective July 1, 1994, through June 30, 1998, a probation officer III with a judicial district department of correctional services.

j. Effective July 1, 2008, county jailers and detention officers working as jailers as provided by 2008 Iowa Acts, Senate File 2424, section 31.

k. Effective July 1, 2008, National Guard installation security officers as provided by 2008 Iowa Acts, Senate File 2424, section 31.

l. Effective July 1, 2008, emergency medical care providers as provided by 2008 Iowa Acts, Senate File 2424, section 31.

m. Effective July 1, 2008, special investigators who are employed by county attorneys as provided by 2008 Iowa Acts, Senate File 2424, section 31.

4.6(5) Service reclassification.

a. Prior to July 1, 2006, except as otherwise indicated in the implementing legislation or these rules, for a member whose prior regular service position is reclassified by the legislature as a special service position, all prior service by the member in such regular service position shall be coded by IPERS staff as special service if certified by the employer as constituting special service under current law. No additional contributions shall be required by regular service reclassified as special service under this paragraph.

b. Effective July 1, 2006, for a member whose prior regular service position is reclassified by the legislature as a special service position, all prior service by the member in such regular service position shall continue to be coded by IPERS staff as regular service unless the legislature specifically provides in its legislation for payment of the related actuarial costs of such reclassified service as required under Iowa Code section 97B.65.

4.6(6) Effective July 1, 2006, in the determination of a sheriff's or deputy sheriff's eligibility for benefits and the amount of such benefits under Iowa Code section 97B.49C, all protection occupation service credits for that member shall count toward the total years of eligible service as a sheriff or deputy sheriff. However, this subrule shall not be construed to alter the statutory requirement that a sheriff or deputy sheriff must be employed as a sheriff or deputy sheriff at termination of covered employment in order to qualify for benefits under Iowa Code section 97B.49C.

4.6(7) Pretax.

a. Effective January 1, 1995, employers must pay member contributions on a pretax basis for federal income tax purposes only. Such contributions are considered employer contributions for federal income tax purposes and employee contributions for all other purposes. Employers must reduce the member's salary reportable for federal income tax purposes by the amount of the member's contribution.

b. Salaries reportable for purposes other than federal income tax will not be reduced, including for IPERS, FICA, and, through December 31, 1998, state income tax purposes.

c. Effective January 1, 1999, employers must pay member contributions on a pretax basis for both federal and state income tax purposes.
[**ARC 7591B**, IAB 2/25/09, effective 7/1/09]

495—4.7(97B) Employee information to be provided by covered employers. Covered employers are required to enroll new employees prior to reporting wages for the new employees. Enrollment information shall include, but is not limited to, the following: member's name, social security number, date of birth, date of hire, occupation code, gender, mailing address, termination date and last check date, when appropriate, and employer identification number.

For new employee enrollments submitted on or after August 1, 2008, employers shall submit the required information using IPERS' employer self service Web application, on compact discs, or on paper. However, those employers submitting information on compact discs or on paper will be charged a fee as described in subrule 4.3(6).

495—4.8(97B) Additional employer contributions from employer-mandated reduction in hours. Rescinded IAB 7/16/08, effective 6/25/08.

These rules are intended to implement Iowa Code sections 97B.4, 97B.9, 97B.14, 97B.14A, 97B.38, 97B.49A to 97B.49I, 97B.65 and 97B.70.

[Filed 5/21/04, Notice 4/14/04—published 6/9/04, effective 7/14/04]
[Filed emergency 6/4/04—published 6/23/04, effective 7/1/04]
[Filed 7/30/04, Notice 6/23/04—published 8/18/04, effective 9/22/04]
[Filed 11/5/04, Notice 9/15/04—published 11/24/04, effective 12/29/04]
[Filed 5/6/05, Notice 3/30/05—published 5/25/05, effective 7/1/05]
[Filed 12/1/05, Notice 10/26/05—published 12/21/05, effective 1/25/06]
[Filed 4/7/06, Notice 3/1/06—published 4/26/06, effective 5/31/06]
[Filed 11/3/06, Notice 9/27/06—published 11/22/06, effective 12/27/06]
[Filed 5/3/07, Notice 3/28/07—published 5/23/07, effective 6/27/07]
[Filed 3/7/08, Notice 1/2/08—published 3/26/08, effective 4/30/08]
[Filed emergency 6/25/08—published 7/16/08, effective 6/25/08]
[Filed 8/20/08, Notice 7/16/08—published 9/10/08, effective 10/15/08]
[Filed ARC 7591B (Notice ARC 7453B, IAB 12/31/08), IAB 2/25/09, effective 7/1/09]

CHAPTER 9
GROUNDWATER HAZARD DOCUMENTATION

561—9.1(558) Authority, purpose and application.

9.1(1) *Authority.* Pursuant to Iowa Code section 558.69, the department is required to adopt rules pertaining to a statement to be submitted to the recorder when recording instruments transferring real property regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous wastes on the property.

9.1(2) *Purpose.* The purpose of these rules is to provide the necessary forms, instructions, and explanation of this requirement. It is the purpose of the statute to give notice to the transferee of real property of the condition of the wells, disposal sites, underground storage tanks, hazardous waste disposal, and private burial sites existing on the real estate.

9.1(3) *Applicability.* These rules shall apply to all persons, corporations, and other legal entities who are transferors or transferees of real property within the state of Iowa as well as all county recorders who are called upon to record instruments transferring real property in Iowa.

9.1(4) *When groundwater hazard statement is required.* A groundwater hazard statement shall be presented to the county recorder along with the real estate transaction documents for any real estate transaction in which a declaration of value is required to be submitted pursuant to Iowa Code chapter 428A. Additionally, a groundwater hazard statement shall be presented at the time of the recording of the following real estate transaction documents which are exempt from the filing of a declaration of value:

a. Any recorded lease of land which has a term of five years or more, except leases related to the construction or maintenance of cell phone, television, radio or similar electronics towers and leases related to the construction or maintenance of electricity-generating wind turbines. Leases or easements reserving rights to the future construction of the tower and wind turbine structures exempted by this subrule are similarly exempted. A lease of land does not include a lease of a portion of a building such as an apartment lease or business location within a mall or other multitenant building.

b. Any voluntary transfer or receipt of real property by governmental entities if title to that property was voluntarily acquired by the governmental entity. Governmental transactions which are exempted from the filing of a groundwater hazard statement include sheriff's deeds, tax deeds, and any other transaction for which the governmental entity did not voluntarily acquire title. A groundwater hazard statement is not required to accompany a clerk's change of title.

[**ARC 7588B**, IAB 2/25/09, effective 4/1/09]

561—9.2(558) Form.

9.2(1) The transferor or the transferor's agent or attorney shall sign department Form 542-0960, "Groundwater Hazard Statement," which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good faith inquiry of the transferor has been made regarding the information contained in the form and that the information is correct. The department hereby adopts by reference Form 542-0960, "Groundwater Hazard Statement," as amended through April 1, 2009. For all real estate transactions dated July 1, 2009, or later, a county recorder shall accept only the amended and revised form, as adopted by reference. The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.

9.2(2) The form shall be submitted to the county recorder, in the form prescribed by the recorder, at the time that a real estate transaction document with which a groundwater hazard statement is required by 9.1(4) is filed with the county recorder.

9.2(3) In all cases, the county recorder shall return the original of the statement to the transferee when the recorded instrument is returned. If the statement submitted reveals that there is a well, a disposal site, an underground storage tank, or hazardous waste on the property, a copy of the form shall be submitted to the department within 15 days after the close of each month. If a standardized electronic format is established by agreement between the Iowa County Recorders Association and the department, then the

department's copy may be submitted electronically in the manner established by the agreement. Forms on which a private burial site is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the department. Forms shall be retained by the department for a period of five years.

9.2(4) The form shall include the name and address of both the transferor and transferee; the street address of the real estate involved; and the legal description of the real estate involved.

[**ARC 7588B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code section 558.69.

[Filed emergency 7/1/87—published 7/29/87, effective 7/1/87]
[Filed emergency 7/31/87—published 8/26/87, effective 7/31/87]
[Filed 12/23/87, Notice 9/9/87—published 1/13/88, effective 2/17/88]
[Filed 8/19/88, Notice 7/13/88—published 9/7/88, effective 10/12/88]
[Filed 3/14/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]
[Filed 1/28/05, Notice 12/8/04—published 2/16/05, effective 3/23/05]
[Filed ARC 7588B (Notice ARC 7454B, IAB 12/31/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 113
SANITARY LANDFILLS FOR MUNICIPAL SOLID WASTE: GROUNDWATER PROTECTION SYSTEMS FOR THE DISPOSAL OF NONHAZARDOUS WASTES

[Prior to 12/11/02, see 567—Chs 102, 103, 110]

567—113.1(455B) Purpose. The purpose of this chapter is to protect human health and the environment through the implementation of minimum national standards pursuant to the Resource Conservation and Recovery Act ("RCRA" or "the Act") for all municipal solid waste landfill (MSWLF) units and under the Clean Water Act for MSWLFs that are used to dispose of sewage sludge.

This chapter details the permitting, siting, design, operating, monitoring, corrective action, reporting, record-keeping, closure, and postclosure requirements for all sanitary landfills accepting municipal solid waste (MSW).

Groundwater is a precious natural resource. The vast majority of citizens in Iowa depend on groundwater as a drinking water source. Agriculture, industry and commerce also depend heavily on groundwater. It is essential to the health, welfare, and economic prosperity of all citizens in Iowa that groundwater is protected and that the prevention of groundwater contamination is of paramount importance. Therefore, the intent of this chapter is to prevent groundwater contamination from MSWLF units to the maximum extent practical, and if necessary to restore the groundwater to a potable state, regardless of present condition, use, or characteristics.

567—113.2(455B) Applicability and compliance.

113.2(1) All sanitary landfills accepting municipal solid waste must comply with the provisions of this chapter.

113.2(2) These rules do not encompass the beneficial use of by-products as alternative cover material. For rules pertaining to the beneficial use of by-products as alternative cover material, see 567—Chapter 108.

113.2(3) These rules do not encompass the management and disposal of special wastes. For rules pertaining to the management and disposal of special wastes, see 567—Chapter 109.

113.2(4) This chapter does not apply to MSWLF units that did not receive waste after October 9, 1994. The closure permit issued or the rules in effect at the time of closure shall govern postclosure activities for such MSWLF units.

113.2(5) This chapter does not apply to MSWLF units that stop receiving waste before October 1, 2007, and are not contiguous with MSWLF units that will continue to accept waste after October 1, 2007. For the purpose of this subrule, contiguous MSWLF units are those that adjoin, abut or have a common boundary or edge with one another or that utilize the same groundwater monitoring network system. The permit issued and the rules in effect at the time waste acceptance ceased shall govern postclosure activities for such MSWLF units except as follows:

a. Financial assurance in accordance with rule 567—113.14(455B) shall be required.

b. Owners or operators of MSWLF units described in this subrule that fail to complete cover installation within one year after October 1, 2007, will be subject to all the requirements of this chapter, unless otherwise specified.

c. Surface water sampling in accordance with subrule 113.10(3) shall be required.

d. MSWLF units subject to this rule shall perform groundwater sampling for the following parameters:

(1) Routine semiannual water sampling parameters:

1. Chloride.
2. Specific conductance (field measurement).
3. pH (field measurement).
4. Ammonia nitrogen.
5. Iron, dissolved.
6. Chemical oxygen demand.

7. Any additional parameters deemed necessary by the department.

(2) Routine annual water sampling parameters:

1. Total organic halogen.

2. Phenols.

3. Any additional parameters deemed necessary by the department.

e. If the analytical results for a downgradient groundwater monitoring point do not fall within the control limits of two standard deviations above (or below for pH) the mean parameters, listed in subparagraphs 113.2(5)*"d"*(1) and (2), in a corresponding upgradient groundwater monitoring point and it cannot be demonstrated that a source other than an MSWLF unit caused the control limit exceedence, then the owner or operator shall comply with the groundwater assessment monitoring program requirements in subrule 113.10(6) and corrective action requirements in subrules 113.10(7), 113.10(8) and 113.10(9), if necessary.

113.2(6) MSWLF units containing sewage sludge and failing to satisfy the requirements of this chapter violate Sections 309 and 405(e) of the Clean Water Act.

113.2(7) Consideration of other laws. The issuance of an MSWLF permit by the department in no way relieves the permit holder of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

113.2(8) Closure of existing MSWLF units. **[See Objection at end of chapter]**

a. Existing MSWLF units that cannot make the demonstration specified in paragraph 113.6(2)*"a,"* pertaining to airports, in 113.6(2)*"b,"* pertaining to floodplains, or in 113.6(2)*"f,"* pertaining to unstable areas, must close in accordance with rule 113.12(455B) and conduct postclosure activities in accordance with rule 113.13(455B).

b. Existing MSWLF units that do not have an approved leachate collection system and a composite liner or a leachate collection system and an alternative liner modeled at an approved point of compliance shall cease accepting waste by October 1, 2007.

c. Rescinded IAB 12/31/08, effective 2/4/09.

d. Those portions of existing MSWLF units demonstrating placement of final cover in conformance with previously approved plans and specifications or regulations in effect at the time of such closure shall not be required to apply additional cover solely to achieve compliance with rule 113.12(455B).

113.2(9) Existing MSWLF units that continue accepting waste after October 1, 2007, shall submit an implementation plan to the department by January 31, 2008, that identifies how the MSWLF shall achieve compliance with these rules. The plan shall include a compliance schedule which shall not extend beyond January 31, 2011. This subrule shall not preclude compliance with subrule 113.2(8).

113.2(10) Compliance with amendments to these rules.

a. Owners or operators of existing MSWLF units that have an approved leachate collection system and a composite liner or a leachate collection system and an alternative liner modeled at an approved point of compliance shall not be required to redesign or reconstruct the MSWLF units due to amendments to these rules subsequent to such approval unless the department finds that such facilities are causing pollution or that continued use of such facilities results in a vertical expansion on top of or against the side slopes of a previously filled noncompliant MSWLF unit. Prior to waste placement in the vertical expansion area, revised design plans shall be submitted to include construction of a separatory liner and leachate collection system that comply with all the requirements of subrule 113.7(5) to be placed between the area of vertical expansion and the underlying noncompliant MSWLF unit. The department, in conjunction with the MSWLF owner or operator, shall determine the maximum amount of time necessary for continued waste placement on top of or against the previously filled noncompliant MSWLF unit to achieve an adequate slope in order to maintain drainage of leachate to the leachate collection system after expected settlement. **[See Objection at end of chapter]**

b. Except as authorized by subrule 113.2(9) and paragraph 113.2(10)*"a,"* if any new requirement conflicts with a provision of or an operating procedure prescribed in the engineering plans or the MSWLF permit, the facility shall conform to the new rule.

113.2(11) Equivalency review procedure.

a. In approving a permit application under this chapter, the department may authorize, in writing, alternatives to the design requirements in this chapter only if, and only to the extent that, specific rules in this chapter expressly state that alternatives may be authorized under this chapter.

b. An owner or operator requesting an alternative design under this chapter shall submit a request to the department prepared by an Iowa-licensed professional engineer. The request shall:

(1) Identify the specific rule for which an equivalency alternative is being sought.

(2) Demonstrate, through supporting technical documentation, justification and quality control procedures, that the requested alternative to the design requirements in the rules of this chapter will, for the life of operations at the facility, achieve the performance standards in that rule.

c. No equivalency alternative will be approved unless the application affirmatively demonstrates that the following conditions are met:

(1) The request is complete and accurate and the requirements of this subrule have been met.

(2) The proposed alternative will, for the life of operations at the facility, achieve the performance standards in the rule for which the alternative to the design requirements in that rule is sought.

(3) The proposed alternative will provide protection equivalent to the design requirements in this chapter for the air, water or other natural resources of the state of Iowa, and will not harm or endanger the public health, safety or welfare.

[Editorial change: IAC Supplement 2/25/09]

567—113.3(455B) Definitions. Unless otherwise noted, the definitions set forth in Iowa Code section 455B.301 and 567—Chapter 100, which are incorporated by reference; the definitions that appear in specific rules within this chapter; and the following definitions shall apply to this chapter: **[See Objection at end of chapter]**

"Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with rule 113.12(455B).

"Active portion" means that part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with rule 113.12(455B).

"Aquifer" has the same meaning as in 567—Chapter 100.

"Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received solid waste as of the most recent permit renewal.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste. The facility is formally defined in the permit issued by the department. Buffer lands around a facility are not required to be included in the permitted boundary of a facility.

"High water table" has the same meaning as in 567—Chapter 100.

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

"Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. "Industrial solid waste" does not include mining waste or oil and gas waste.

"Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit.

"Municipal solid waste landfill (MSWLF) unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or

waste pile, as those terms are defined under 40 CFR Part 257.2. An MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, construction and demolition debris, and industrial solid waste. An MSWLF unit may be publicly or privately owned. An MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A construction and demolition landfill that receives residential lead-based paint waste and does not receive any other household waste is not an MSWLF unit.

"New MSWLF unit" means any municipal solid waste landfill unit that has not received waste prior to the most recent permit renewal.

"Open burning" has the same meaning as in 567—Chapter 100.

"Operator" has the same meaning as in 567—Chapter 100.

"Owner" means the person(s) who owns a facility or part of a facility.

"Point of compliance" or *"POC"* means the point at which the MSWLF owner or operator demonstrates compliance with the liner performance standard, if applicable, and with the groundwater protection standard. The point of compliance is a vertical surface located hydraulically downgradient of the waste management area that extends down into the uppermost aquifer underlying the regulated MSWLF unit(s) and where groundwater monitoring shall be conducted.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation and remodeling in homes and other residences. "Residential lead-based paint waste" includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" means that part of the earth's crust in which all voids are filled with water.

"Sewage sludge" has the same meaning as in 567—Chapter 67.

"Sludge" means any solid, semisolid, or liquid waste generated from a commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects exclusive of the treated effluent from a wastewater treatment plant.

"Statistically significant increase" or *"SSI"* means a statistical difference large enough to account for data variability and not thought to be due to chance alone.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"Vertical expansion" means additional waste placement on top of or against the side slopes of a previously filled MSWLF unit, whether active, closed, or inactive.

"Waste management unit boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

[Editorial change: IAC Supplement 2/25/09]

567—113.4(455B) Permits.

113.4(1) *Permit required.* An MSWLF unit shall not be constructed or operated without a permit from the department.

113.4(2) *Construction and operation.* An MSWLF unit shall be constructed and operated according to this chapter, any plans and specifications approved by the department, and the conditions of the permit. Any approved plans and specifications shall constitute a condition of the permit.

113.4(3) *Transfer of title and permit.* If title to an MSWLF unit is transferred, then the department shall transfer the permit within 60 days if the department has found that the following requirements have been met:

a. The title transferee has applied in writing to the department to request a transfer of the permit within 30 days of the transfer of the title.

b. The permitted facility is in compliance with Iowa Code chapters 455B and 455D, this chapter and the conditions of the permit.

c. The transferee possesses the equipment and personnel to operate the project in conformance with Iowa Code chapter 455B and these rules and the terms of the permit.

113.4(4) *Permit conditions.* Any permit may be issued subject to conditions specified in writing by the department that are necessary to ensure that the facility is constructed and operated in a safe and effective manner, and in compliance with Iowa Code chapters 455B and 455D, this chapter and the conditions of the permit.

113.4(5) *Effect of revocation.* If an MSWLF permit held by any public or private agency is revoked by the department, then no new permit shall be issued to that agency for that MSWLF for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

113.4(6) *Inspection of site and operation.* The department shall be notified when the construction of a new facility or MSWLF unit or significant components thereof have been completed so that the department may inspect the facility to determine if the project has been constructed in accordance with the design approved by the department. The department shall inspect and approve a new facility or MSWLF unit before MSW may be accepted. The department shall inspect a facility and its operations on a regular basis to determine if the facility is in compliance with this chapter.

113.4(7) *Duration and renewal of permits.*

a. *Operating permits.* An MSWLF permit shall be issued and may be renewed for a period no longer than five years, unless the MSWLF adopts research, development and demonstration (RD&D) provisions pursuant to subrule 113.4(10). An MSWLF permit with RD&D provisions pursuant to subrule 113.4(10) shall be issued and may be renewed for a period no longer than three years.

b. *Closure permits.* An MSWLF closure permit shall be issued only after a facility no longer accepts solid waste. A closure permit shall initially be issued for a period of 30 years. If the department extends the postclosure period beyond 30 years, then the duration of the subsequent closure permit will be determined on a site-specific basis. An MSWLF requires a closure permit until the department determines that postclosure operations are no longer necessary.

113.4(8) *Request for permit renewal.*

a. *Operating permits.* A request for an operating permit renewal shall be in writing and filed at least 90 days before the expiration of the current permit. If the applicant is found not to be in compliance with this chapter or the permit requirements, then the applicant shall achieve compliance or be placed on a compliance schedule approved by the department before the permit may be renewed.

b. *Closure permits.* A request for a closure permit renewal or termination shall be filed at least 180 days before the expiration of the current permit. If the department finds that an MSWLF has completed all required postclosure activities and no longer presents a significant risk to human health or the environment, then the department shall issue written notification that a closure permit is no longer required for the facility.

113.4(9) *Request for permit amendment.* Requests for permit amendments must be submitted in writing to the department with supporting documentation and justification.

113.4(10) *RD&D permits.* The department may issue an RD&D permit that overrides the applicable portions of this chapter, as listed below, without issuing a variance. A permit amendment from the department for leachate recirculation only does not require an RD&D permit.

a. The department may issue an RD&D permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary from either or both of the following criteria, provided that the MSWLF unit has a leachate collection system designed and constructed to maintain less than a 30-cm (i.e., 12-inch) depth of leachate on the liner:

(1) The run-on control systems in subrule 113.7(8); and

(2) The liquids restrictions in subparagraph 113.8(1)*"b"*(3).

b. The department may issue a permit for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary

from the final cover criteria of subrules 113.12(1) and 113.12(2), provided that the MSWLF unit owner or operator demonstrates that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water, or cause leachate depth on the liner to exceed 30 cm (i.e., 12 inches).

c. Any permit issued under subrule 113.4(10) must include such terms and conditions at least as protective as the criteria for MSWLFs to ensure protection of human health and the environment. Such permits shall:

(1) Provide for the construction and operation of such facilities as necessary, for not longer than three years, unless renewed as provided in paragraph 113.4(10)*"e"*;

(2) Provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and nonhazardous wastes which the department deems appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;

(3) Include such requirements as necessary to protect human health and the environment, including such requirements as necessary for testing and providing information to the department with respect to the operation of the facility;

(4) Require the owner or operator of an MSWLF unit permitted under subrule 113.4(10) to submit an annual report to the department showing whether and to what extent the site is progressing in attaining project goals. The report shall also include a summary of all monitoring and testing results, as well as any other operating information specified by the department in the permit; and

(5) Require compliance with all criteria in this chapter, except as permitted under subrule 113.4(10).

d. The department may order an immediate termination of all operations at the facility allowed under subrule 113.4(10) or other corrective measures at any time the department determines that the overall goals of the project are not being attained, including protection of human health or the environment.

e. Any permit issued under subrule 113.4(10) shall not exceed 3 years, and each renewal of a permit may not exceed 3 years.

(1) The total term for a permit for a project including renewals may not exceed 12 years; and

(2) During permit renewal, the applicant shall provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and the status with respect to problem resolutions, and any other requirements that the department determines necessary for permit renewal.

113.4(11) *Factors in permit issuance decisions.* The department may request that additional information be submitted for review to make a permit issuance decision. The department may review and inspect the facility, its agents and operators, and compliance history. The department may consider compliance with related requirements, such as financial assurance and comprehensive planning. The department may review whether or not a good-faith effort to maintain compliance and protect human health and the environment is being made, and whether a compliance schedule is being followed.

113.4(12) *Notice and public participation in the MSWLF permit issuance and postpermit actions process.*

a. For the purposes of this subrule, "postpermit actions" includes permit renewals and requests for major facility modifications as defined below:

(1) Change in an MSWLF facility boundary or an MSWLF unit.

(2) Application for an RD&D permit pursuant to subrule 113.4(10).

(3) Installation of a landfill gas collection system.

(4) Application for a closure permit for a MSWLF unit.

(5) Transfer of an MSWLF permit to a new owner.

(6) Variance from this chapter under rule 567—113.15(455B).

(7) Change in the postclosure land use of the property.

(8) Other significant permit actions that are determined by the department to require public notice and participation. Such actions may include requests to change any of the requirements set forth as special provisions in the permit.

b. Prior to the issuance of approval or denial for an MSWLF permit or postpermit action, public notice shall be circulated in a manner designed to inform interested and potentially interested persons of

the permit or postpermit action request. Procedures for the circulation of public notice shall include at least the following procedures:

(1) Upon receipt of the permit application or postpermit action request, the department shall make a determination of whether public notice is required in accordance with this subrule. If the determination is made that public notice is required, then the department shall prepare the public notice which shall be circulated by the owner or operator within the service area of the MSWLF by posting the public notice near the entrance to the MSWLF; and by publishing the public notice in periodicals or, if appropriate, in a newspaper(s) of general circulation.

(2) The public notice shall be mailed by the department to any person upon request and posted on the department's Web site.

c. The department shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views with respect to the MWSLF permit application or postpermit action request. All written comments submitted during the 30-day comment period shall be retained by the department and considered by the department in the formulation of the department's final determinations with respect to the permit application or postpermit action request. The period for comment may be extended at the discretion of the department.

d. The contents of the public notice shall include at least the following:

(1) The name, address, and telephone number of the department.

(2) The name and address of each applicant.

(3) A brief description of each applicant's activities or operations which result in the submittal of the permit application or postpermit action request.

(4) A statement that any person may submit written and signed comments, or may request a public hearing, or both, on the proposed permit or postpermit action request. A statement of procedures to request a public hearing pursuant to paragraph 113.4(12)*"e"* shall be included.

(5) Locations where copies of the permit application or postpermit action request may be reviewed, including the closest department field office, and the times at which the copies shall be available for public inspection.

e. The applicant, any interested agency, person or group of persons may request or petition for a public hearing with respect to an MSWLF permit application or postpermit action request. Any such request shall clearly state issues and topics to be addressed at the hearing. Any such request or petition for public hearing must be filed with the department within the 30-day period prescribed in paragraph 113.4(12)*"c"* and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The department shall hold an informal and noncontested case hearing if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. Frivolous or insubstantial requests for hearing may be denied by the department. Instances of doubt should be resolved in favor of holding the hearing. Any hearing requested pursuant to this subrule shall be held in the service area of the MSWLF, or other appropriate area at the discretion of the department.

f. If the department determines that a public hearing is warranted, then the department shall prepare the public notice of the hearing. Public notice of any hearing held shall be circulated at least as widely as was the notice of the permit application or postpermit action request.

g. The contents of public notice of any hearing held pursuant to paragraph 113.4(12)*"e"* shall include at least the following:

(1) The name, address, and telephone number of the department;

(2) The name and address of each applicant whose application will be considered at the hearing;

(3) A brief reference to the public notice issued for each permit application and postpermit action request;

(4) Information regarding the time and location for the hearing;

(5) The purpose of the hearing;

(6) A concise statement of the issues raised by the person requesting the hearing;

(7) Locations where copies of the permit application or postpermit action may be reviewed, including the closest department field office, and the times at which the copies shall be available for public inspection; and

(8) A brief description of the nature of the hearing, including the rules and procedures to be followed.

h. The department shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the department's responses shall be made available to the public.

567—113.5(455B) Permit application requirements.

113.5(1) Unless otherwise authorized by the department, an MSWLF permit applicant shall submit, at a minimum, the following permit application information to the department:

a. The name, address and telephone number of:

(1) Owner of the site where the facility will be located.

(2) Permit applicant.

(3) Official responsible for the facility.

(4) Certified operator (i.e., "operator") responsible for operation of the facility.

(5) Professional engineer(s) (P.E.) licensed in the state of Iowa and retained for the design of the facility.

(6) Agency to be served by the facility, if any.

(7) Responsible official of agency to be served, if any.

b. An organizational chart.

c. A site exploration and characterization report for the facility that complies with the requirements of subrule 113.6(4).

d. Plans and specifications for the facility, and quality control and assurance (QC&A) plans, that comply with the requirements of subrule 113.7(6).

e. A development and operations (DOPs) plan for the facility, an emergency response and remedial action plan (ERRAP), and proof of MSWLF operator certification that comply with the requirements of rule 113.8(455B).

f. An environmental monitoring plan that complies with the requirements of rules 113.9(455B) and 113.10(455B).

g. The project goals and time lines, and other documentation as necessary to comply with subrule 113.4(10) and other requirements of the department if an RD&D permit is being requested or renewed.

h. Proof of financial assurance in compliance with rule 113.14(455B).

i. A closure and postclosure plan that complies with the requirements of rules 113.12(455B) and 113.13(455B).

113.5(2) Incomplete permit applications. If the department finds the permit application information to be incomplete, the department shall notify the applicant of that fact and of the specific deficiencies. If the applicant fails to correct the noted deficiencies within 30 days, the department may reject the application and return the application materials to the applicant. The applicant may reapply without prejudice.

567—113.6(455B) Siting and location requirements for MSWLFs. This rule applies to new MSWLF units and horizontal expansions of existing MSWLF units. Except for paragraphs 113.6(2)*"a,"* 113.6(2)*"b"* and 113.6(2)*"f,"* this rule does not apply to permitted MSWLF units which have been approved prior to October 1, 2007. Information required to document compliance with the requirements of rule 113.6(455B) shall be consolidated and maintained in a site exploration and characterization report pursuant to subrule 113.6(4).

113.6(1) *Local siting approval.* The department will not consider a permit application for a new MSWLF unless local siting approval pursuant to Iowa Code section 455B.305A, if applicable, has been obtained.

113.6(2) *Location restrictions.* All MSWLFs shall comply with the following location restrictions.

a. *Airports.* For purposes of this chapter:

"Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Bird hazard" means an increase in the likelihood of bird-aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(1) A prohibition on locating a new MSWLF near certain airports was enacted in Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Ford Act), Pub. L. 106-181 (49 U.S.C. 44718 note). Section 503 prohibits the "construction or establishment" of new MSWLFs after April 5, 2000, within six miles of certain smaller public airports. The Federal Aviation Administration (FAA) administers the Ford Act and has issued guidance in FAA Advisory Circular 150/5200-34A, dated January 26, 2006.

(2) Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions that are located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used by piston-type aircraft only must demonstrate to the FAA that the units are designed and operated so that the MSWLF unit does not pose a bird hazard to aircraft. The owner or operator must place the demonstration of this requirement in the operating record and submit to the department a copy of the demonstration approved by the FAA.

(3) Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the FAA. A copy of these notifications shall be submitted to the department.

b. Floodplains. For purposes of this chapter:

"Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands that may be inundated by a 100-year flood.

"100-year flood" means a flood that has a 1 percent or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

"Washout" means the carrying away of solid waste by waters of the base flood.

Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions located in 100-year floodplains must demonstrate to the department that the unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment. The owner or operator must place the demonstration in the operating record and submit a copy of the demonstration to the department.

c. Wetlands. For purposes of this chapter:

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

New MSWLF units and lateral expansions shall not be located in wetlands, unless the owner or operator can make the following demonstrations to the department:

(1) Where applicable under Section 404 of the Clean Water Act or applicable state wetlands laws, the presumption that a practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted;

(2) The construction and operation of the MSWLF unit will not:

1. Cause or contribute to violations of any applicable state water quality standard;

2. Violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act;

3. Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat protected under the Endangered Species Act of 1973; and

4. Violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;

(3) The MSWLF unit will not cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the MSWLF unit and its ability to protect ecological resources by addressing the following factors:

1. Erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the MSWLF unit;

2. Erosion, stability, and migration potential of dredged and fill materials used to support the MSWLF unit;

3. The volume and chemical nature of the waste managed in the MSWLF unit;

4. Impacts on fish, wildlife, and other aquatic resources and their habitats from release of the solid waste;

5. The potential effects of catastrophic release of waste to wetlands and the resulting impacts on the environment; and

6. Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;

(4) To the extent required under Section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable as required by subparagraph 113.6(2)*"c"*(1), then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of human-made wetlands); and

(5) Sufficient information is available to make a reasonable determination with respect to these demonstrations.

d. Fault areas. For the purposes of this chapter:

"Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"Holocene" means the most recent epoch of the Quaternary Period, extending from the end of the Pleistocene Epoch to the present.

New MSWLF units and lateral expansions shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the department that an alternative setback distance of less than 200 feet (60 meters) will prevent damage to the structural integrity of the MSWLF unit and will be protective of human health and the environment.

e. Seismic impact zones. For the purposes of this chapter:

"Seismic impact zone" means an area with a 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

"Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. "Lithified earth material" does not include human-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth's surface.

New MSWLF units and lateral expansions shall not be located in seismic impact zones, unless the owner or operator demonstrates to the department that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. The owner or operator must place the demonstration in the operating record and submit a copy of the demonstration to the department.

f. Unstable areas. For purposes of this chapter:

"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas may include poor foundation conditions, areas susceptible to mass movements, and karst terranes.

"Structural components" means liners, leachate collection systems, final covers, run-on systems, runoff systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

"Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of an MSWLF unit.

"Areas susceptible to mass movement" means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the MSWLF unit, because of natural or human-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluction, block sliding, and rock fall.

"Karst terranes" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions located in an unstable area must demonstrate to the department that engineering measures have been incorporated into the MSWLF unit's design to ensure that the integrity of the structural components of the MSWLF unit will not be disrupted. The owner or operator must place the demonstration in the operating record and submit a copy of the demonstration to the department. The owner or operator must consider the following factors, at a minimum, when determining whether an area is unstable:

(1) On-site or local soil conditions that may result in significant differential settling;

(2) On-site or local geologic or geomorphologic features; and

(3) On-site or local human-made features or human-induced events (both surface and subsurface).

g. Threatened or endangered flora and fauna.

(1) All MSWLF owners or operators shall contact the department's Iowa Natural Areas Inventory with a request to search its records to determine the presence of, or habitat for, any threatened or endangered species or communities of flora or fauna on the proposed site. In the event that the department's Iowa Natural Areas Inventory does not contain records of threatened or endangered species or communities but their presence is suspected, then the permit applicant shall conduct a site survey.

(2) Should any threatened or endangered species be identified pursuant to subparagraph 113.6(2)*"g"*(1), the permit applicant shall demonstrate to the department that the MSWLF unit will not cause or contribute to significant degradation of the threatened or endangered species or communities.

h. Cultural resources.

(1) All MSWLF owners and operators shall prepare a comprehensive listing of, and assessment of the impact on, any archaeologically, historically, or architecturally significant properties on the proposed site. To assess the impact, the permit applicant shall consult with the historic preservation bureau of the state historical society of Iowa.

(2) Should any significant cultural resources be identified pursuant to subparagraph 113.6(2)*"h"*(1), the permit applicant shall demonstrate to the department that the MSWLF unit will not cause or contribute to significant degradation of those cultural resources.

i. Separation from groundwater. The base of an MSWLF unit shall be situated so that the base of the waste within the proposed unit is at least 5 feet above the high water table unless a greater separation is required to ensure that there will be no significant adverse effect on groundwater or surface waters or a lesser separation is unlikely to have a significant adverse effect on groundwater or surface waters.

Artificial means of lowering the high water table are acceptable. The separation of the base of an MSWLF unit from the high water table shall be measured and maintained in a manner acceptable to the department.

j. *Wells and community water systems.* An MSWLF unit shall not be within 1,000 feet of any potable well or community water system in existence at the time of receipt of the original permit application or application to laterally expand the permitted MSWLF unit for the facility that is being used for human or livestock consumption. Groundwater monitoring wells are exempt from this requirement. The department may also exempt extraction wells utilized as part of a remediation system from this requirement. A new MSWLF unit shall not be within 1,000 feet of a downgradient agricultural drainage well.

k. *Property line setback.* An MSWLF unit shall be at least 50 feet from the adjacent property line.

l. *Housing and sensitive populations.* An MSWLF unit shall not be within 500 feet of an occupied residence, recreational area, child care facility, educational facility, or health care facility in existence at the time of receipt of the original permit application or application to laterally expand the permitted MSWLF unit, unless there is a written agreement between the MSWLF owner and such facility. The written agreement shall be filed with the county recorder for abstract of title purposes, and a copy submitted to the department.

113.6(3) *Soil and hydrogeologic investigations.* An MSWLF shall have a qualified groundwater scientist, as defined in paragraph 113.10(1)*"d,"* to conduct a soil and hydrogeologic investigation in accordance with this subrule. The purpose of this investigation is to obtain data to determine potential routes of contaminant migration via groundwater. Such information is vital for completion of the site exploration and characterization report, and the hydrologic monitoring system plan and design. This subrule sets forth the minimum requirements for soil and hydrogeologic investigations. The MSWLF shall comply with this subrule unless the department issues written approval due to specific site conditions.

a. *Number of borings.* A sufficient number of borings shall be made to accurately identify the stratigraphic and hydrogeologic conditions at the site.

b. *Depth of borings.* Unless otherwise approved by the department in writing, the following requirements shall apply to the depth of borings.

(1) All borings shall be a minimum of 25 feet deep and at least 10 feet below the water table.

(2) At a minimum, half of all borings shall extend 20 feet into the uppermost aquifer, 50 feet below the water table, or 10 feet into bedrock.

(3) At a minimum, one boring shall extend 10 feet into bedrock or 100 feet below the lowest ground surface elevation.

(4) All borings shall be of sufficient depth to correlate strata between borings.

c. *Boring method and soil samples.*

(1) Continuous samples shall be collected for all borings, unless otherwise approved by the department in writing.

(2) Boring logs shall be as detailed as possible in describing each stratum.

(3) Samples shall be clearly marked, preserved and transported in accordance with laboratory procedures.

(4) The permit applicant shall keep and preserve samples until at least 30 days after the permit is issued.

(5) Soil samples from each stratum shall be tested for falling-head permeability and grain size distribution.

d. *Conversion of or plugging borings.*

(1) Borings may be converted to piezometers or monitoring wells. However, the conversion of such borings does not guarantee that more piezometers or monitoring wells will not be required in the department-approved hydrologic monitoring system plan and design.

(2) Borings not converted to piezometers or monitoring wells shall be plugged and properly sealed so as not to create pathways for subsurface or surface pollution migration. Borings converted to piezometers or monitoring wells may still need to be partially plugged depending on the depth of the boring. Plugging shall be performed pursuant to paragraph 113.10(2)*"d."*

e. Soil and hydrogeologic investigation description and analysis. A soil and hydrogeologic investigation description and analysis shall be completed and maintained and, at a minimum, shall contain the following:

(1) The boring logs pursuant to subparagraph 113.6(3)*"c"*(2).

(2) A description of the properties of each soil and bedrock stratum as appropriate, including:

1. Soil texture and classification.
2. Particle size distribution.
3. Mineral composition, cementation, and soil structure.
4. Permeability, including horizontal and vertical permeability, and porosity.
5. Geologic structure, including strike, dip, folding, faulting and jointing.
6. Previous activities and infrastructure at the site that could affect geology and hydrogeology, such as but not limited to mining, quarry operations, borrow pits, waste disposal, storage tanks, pipelines, utilities and tile lines.
7. Lenses and other discontinuous units, voids, solution openings, layering, fractures, other heterogeneity, and the scale or frequency of the heterogeneity.
8. Correlation and continuity of strata between borings.

(3) Descriptions of the hydrogeologic units within the saturated zone, including:

1. Thickness.
2. Hydraulic properties, including as appropriate, conductivity, transmissivity, storativity, and effective porosity.
3. Concentrations of chemical constituents listed in Appendix I present in the groundwater of hydrogeologic units and the source of those constituents, if known.
4. Role and effect of each hydrogeologic unit as an aquifer, aquitard, or perched saturated zone.
5. The actual or potential use of the aquifers as water supplies.

(4) Plan view maps, and a series of cross sections with two oriented perpendicular and two oriented parallel to the predominant directions of groundwater flow through the MSWLF unit, showing:

1. The extent of soil and bedrock strata.
2. The position of the water table.
3. The position of the uppermost aquifer.
4. Measured values of hydraulic head.
5. Equipotential lines and inferred groundwater streamlines of the water table, and the uppermost aquifer if different from the water table.
6. Location of soil and bedrock borings.
7. Location of piezometers and monitoring points, if any.

(5) A description and evaluation of horizontal and vertical groundwater flow which specifically addresses the following and their significance to the movement of pollutants carried by groundwater:

1. Local, intermediate and regional groundwater systems.
2. Groundwater recharge and discharge areas within and immediately surrounding the facility, including interactions with perennial and intermittent surface waters and how the facility affects recharge rates.
3. Existing and proposed groundwater and surface water withdrawals.
4. The effects of heterogeneity, fractures or directional differences in permeability on groundwater movement.
5. Directions of groundwater movement, including vertical components of flow, specific discharge rates and average linear velocities within the hydrologic strata.
6. Seasonal or other temporal fluctuations in hydraulic head.
7. The effect of existing and proposed MSWLF units.

(6) An analysis of potential impacts on groundwater and surface water quality, and water users, in the event of a theoretical release at the most downgradient portion of each MSWLF unit. The analysis shall at a minimum utilize contaminants and indicator parameters with high mobility in groundwater (e.g., chlorides, organic solvents). This analysis shall include:

1. Assumptions and approximations utilized, and why they were utilized.

2. If a model is utilized, a thorough description of models used and each model's capabilities and limitations, including the reliability and accuracy of the models in actual field tests.

3. Projected paths and rates of movement of contaminants found in leachate.

(7) Recommendations for the location of the proposed MSWLF unit and conceptual design based on hydrogeologic information.

113.6(4) *Site exploration and characterization report.* An MSWLF shall maintain a site exploration and characterization report. At a minimum, the site exploration and characterization report shall detail compliance with the requirements of rule 113.6(455B) and shall contain the following components.

a. A title page and index.

b. A legal description of the site.

c. Proof of the applicant's ownership of the site and legal entitlement to use the site as an MSWLF. If the applicant does not own the site, then proof of legal entitlement to the site, such as, for example, a lease, must be submitted. Such legal entitlement must include the following:

(1) Provisions that allow continued disposal operations until closure of the facility.

(2) Provisions for the performance of facility closure operations.

(3) Provisions for postclosure care for at least a 30-year period after facility closure.

d. Proof of the applicant's local siting approval pursuant to Iowa Code section 455B.305A, if applicable.

e. Scaled maps or aerial photographs locating the boundaries of the facility and identifying:

(1) North and other principal compass points.

(2) Section lines and other legal boundaries.

(3) Zoning and land use within 0.5 miles.

(4) Haul routes to and from the facility, including load limits or other restrictions on those routes.

(5) Topography within 0.5 miles.

(6) Applicable setback distances and location requirements pursuant to rule 113.6(455B), including:

1. Airports within 6 miles of existing, new and planned MSWLF units.

2. Floodplains within or adjacent to the facility.

3. Wetlands within or adjacent to the facility.

4. Fault areas within 200 feet of existing, new and planned MSWLF units.

5. Seismic impact zones within or adjacent to the facility.

6. Unstable areas within or adjacent to the facility.

7. Location of threatened or endangered species within or adjacent to the facility.

8. Location of cultural resources within or adjacent to the facility.

9. Wells within 1,000 feet of upgradient existing, new and planned MSWLF units.

10. Community water systems within 1 mile of upgradient existing, new and planned MSWLF units.

11. Boundaries of the existing, new and planned MSWLF units and the facility property line.

12. Housing and sensitive populations within 500 feet of existing, new and planned MSWLF units.

f. The bird-aircraft hazard demonstration pursuant to paragraph 113.6(2)*"a,"* if applicable.

g. The floodplain demonstration pursuant to paragraph 113.6(2)*"b,"* if applicable.

h. The wetlands demonstration pursuant to paragraph 113.6(2)*"c,"* if applicable.

i. The fault area demonstration pursuant to paragraph 113.6(2)*"d,"* if applicable.

j. The seismic impact zone demonstration pursuant to paragraph 113.6(2)*"e,"* if applicable.

k. The unstable area demonstration pursuant to paragraph 113.6(2)*"f,"* if applicable.

l. The threatened or endangered flora and fauna demonstration pursuant to paragraph 113.6(2)*"g,"* if applicable.

m. The cultural resources demonstration pursuant to paragraph 113.6(2)*"h,"* if applicable.

n. Copies of written agreements with surrounding property owners pursuant to paragraph 113.6(2)*"l,"* if applicable.

o. The soil and hydrogeologic investigation description and analysis pursuant to paragraph 113.6(3)*"e."*

567—113.7(455B) MSWLF unit design and construction standards. All MSWLF units shall be designed and constructed in accordance with this rule.

113.7(1) *Predesign meeting with the department.* A potential applicant for a new MSWLF unit may schedule a predesign meeting with the department's landfill permitting staff prior to beginning work on the plans and specifications of a modified or new MSWLF. The purpose of this meeting is to help minimize the need for revisions upon submittal of the official designs and specifications.

113.7(2) *Plans and specifications.*

a. Unless otherwise requested by the department, one copy of plans, specifications and supporting documents shall be sent to the department for review. Upon written department approval, the documents shall be submitted in triplicate to the department for proper distribution.

b. All new MSWLF units shall be constructed in compliance with the rules and regulations in effect at the time of construction. Previous department approval of plans and specifications for MSWLF units not yet constructed shall be superseded by the promulgation of new rules and regulations, after which plans and specifications shall be resubmitted to the department for approval prior to construction and operation.

113.7(3) *General site design and construction requirements.* An MSWLF shall have the following:

a. All-weather access roads to the facility.

b. A perimeter fence with a lockable gate(s) to help prevent unauthorized access.

c. A sign at the entrance to the facility specifying:

(1) Name and permit number of the facility.

(2) Days and hours that the facility is open to the public or a statement that the facility is not open to the public.

(3) A general list of materials that are not accepted.

(4) Telephone number of the official responsible for operation of the facility and the emergency contact person(s).

d. All-weather access roads within the facility.

e. Signs or pavement markings clearly indicating safe and proper on-site traffic patterns.

f. Adequate queuing distance for vehicles entering and exiting the property.

g. A scale certified by the Iowa department of agriculture and land stewardship.

113.7(4) *MSWLF unit subgrade.* The subgrade for a new MSWLF unit shall be constructed as follows:

a. All trees, stumps, roots, boulders, debris, and other material capable of deteriorating in situ material strength or of creating a preferential pathway for contaminants shall be completely removed or sealed off prior to construction of the MSWLF unit.

b. The material beneath the MSWLF unit shall have sufficient strength to support the weight of the unit during all phases of construction and operation. The loads and loading rate shall not cause or contribute to failure of the liner and leachate collection system.

c. The total settlement or swell of the MSWLF unit's subgrade shall not cause or contribute to failure of the liner and leachate collection system.

d. If the in situ material of the MSWLF unit's subgrade cannot meet the requirements of paragraphs 113.7(4)*"b"* and 113.7(4)*"c,"* then such material shall be removed and replaced with material capable of compliance.

e. The subgrade of an MSWLF unit shall be constructed and graded to provide a smooth working surface on which to construct the liner.

f. The subgrade of an MSWLF unit shall not be constructed in or with frozen soil.

113.7(5) *MSWLF unit liners and leachate collection systems.* The liner and leachate collection system for a new MSWLF unit shall be constructed in accordance with the requirements of this subrule. All active portions must have a composite liner or an alternative liner approved by the department. An MSWLF unit must have a functioning leachate collection system during its active life.

a. Liner systems. An MSWLF unit shall have a liner system that complies with either the composite liner requirements of subparagraph 113.7(5)*"a"*(1) or an alternative liner system that

complies with the requirements of subparagraph 113.7(5)*"a"*(2). Liners utilizing compacted soil must place the compacted soil in lifts no thicker than 8 inches after compaction.

(1) Composite liner systems.

1. A composite liner consists of two components, an upper flexible membrane liner (FML) and a lower compacted soil liner.

2. The upper component must consist of a minimum 30-mil flexible membrane liner (FML). FML components consisting of high-density polyethylene (HDPE) shall be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the lower compacted soil component.

3. The lower component must consist of at least a 2-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second (cm/sec). The compacted soil must be placed in lifts no thicker than 8 inches after compaction.

4. The composite liner must be adequately sloped toward the leachate collection pipes to provide drainage of leachate. Unless alternative design requirements to this performance standard are approved as part of the permit under subrule 113.2(11) (relating to equivalency review procedure), the leachate collection system shall have a slope greater than or equal to 2 percent and not exceeding 33 percent.

(2) Alternative liner systems.

1. The design must ensure that the concentration values listed in Table I of rule 113.7(455B) will not be exceeded in the uppermost aquifer at the relevant point of compliance, as specified pursuant to numbered paragraph 113.7(5)*"a"*(2)"2." Alternative liners utilizing compacted soil must place the compacted soil in lifts no thicker than 8 inches.

2. The relevant point of compliance specified by the department must be within 50 feet of the planned liner or waste boundary, unless site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored in accordance with subparagraph 113.10(2)*"a"*(2), and located on land owned by the owner of the MSWLF unit. The relevant point of compliance specified by the department shall be at least 50 feet from the property line of the facility.

3. When approving an alternative liner design, the department shall consider at least the following factors:

- The hydrogeologic characteristics of the facility and surrounding land.
- The climatic factors of the area.
- The volume and physical and chemical characteristics of the leachate.
- The sensitivities and limitations of the modeling demonstrating the applicable point of compliance.
- Practicable capability of the owner or operator.

4. The alternative liner must be adequately sloped toward the leachate collection pipes to provide drainage of leachate. Unless alternative design requirements to this performance standard are approved as part of the permit under subrule 113.2(11) (relating to equivalency review procedure), the leachate collection system shall have a slope greater than or equal to 2 percent and not exceeding 33 percent.

Table I

Chemical	MCL (mg/l)
Arsenic	0.01
Barium	1.0
Benzene	0.005
Cadmium	0.01
Carbon tetrachloride	0.005
Chromium (hexavalent)	0.05
2,4-Dichlorophenoxy acetic acid	0.1
1,4-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007

Endrin	0.0002
Fluoride	4.0
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1
Nitrate	10.0
Selenium	0.01
Silver	0.05
Toxaphene	0.005
1,1,1-Trichloromethane	0.2
Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl chloride	0.002

b. Leachate collection system. All MSWLF units shall have a leachate collection system that complies with the following requirements:

(1) The leachate collection system shall be designed and constructed to function for the entire active life of the facility and the postclosure period.

(2) The leachate collection system shall be of a structural strength capable of supporting waste and equipment loads throughout the active life of the facility and the postclosure period.

(3) The leachate collection system shall be designed and constructed to minimize leachate head over the liner at all times. An MSWLF unit shall have a leachate collection system that maintains less than a 30-centimeter (i.e., 12-inch) depth of leachate over the liner. The leachate collection system shall have a method for accurately measuring the leachate head on the liner at the system's lowest point(s) within the MSWLF unit (e.g., sumps). Furthermore, an additional measuring device shall be installed to measure leachate directly on the liner in the least conductive drainage material outside of the sump and collection trench. Leachate head measurements from cleanout lines or manholes are not acceptable for the second measurement. All such measurement devices shall be in place before waste is placed in the MSWLF unit.

(4) If the leachate collection system is not designed and constructed factoring in leachate recirculation or bioreactor operations, the department may prohibit such activities within the MSWLF unit.

(5) The collection pipes shall be of a length and cross-sectional area that allow for cleaning and inspection through the entire length of all collection pipes at least once every three years. The collection pipes shall not be designed or constructed with sharp bends that prevent cleaning or inspection along any section of the collection pipe or that may cause the collection pipe to be damaged during cleaning or inspection.

(6) Leachate collection system designs shall attempt to minimize the potential for clogging due to mass loading.

(7) Unless alternative design requirements are approved as part of the permit under subrule 113.2(11) (relating to equivalency review procedure), the following design requirements shall apply:

1. A geotextile cushion over the flexible membrane liner (FML), if the liner utilizes an FML and granular drainage media. A geotextile cushion is not required if the granular drainage media is well rounded and less than 3/8 inch in diameter. The geotextile's mass shall be determined based on the allowable pressure on the geomembrane.

2. Collection pipe(s) at least 4 inches in diameter at the base of the liner slope(s), surrounded by the high hydraulic-conductivity material listed in numbered paragraph 113.7(5)*"b"*(7)"3" below. The collection pipe shall have slots or holes large enough to minimize the potential for clogging from fines conveyed by incoming leachate.

3. One of the following high hydraulic-conductivity materials:

- High hydraulic-conductivity material (e.g., gravel) of uniform size and a fines content of no more than 5 percent by weight passing a #200 sieve. The high hydraulic-conductivity material shall be at least 12 inches in depth and have a hydraulic conductivity of at least 1×10^{-2} cm/sec; or
- A geosynthetic drainage media (e.g., geonet). The transmissivity of geonets shall be tested with method ASTM D4716, or an equivalent test method, to demonstrate that the design transmissivity will be maintained for the design period of the facility. The testing for the geonet in the liner system shall be conducted using actual boundary material intended for the geonet at the maximum design normal load for the MSWLF unit, and at the design load expected from one lift of waste. At the maximum design normal load, testing shall be conducted for a minimum period of 100 hours unless data equivalent of the 100-hour period is provided, in which case the test shall be conducted for a minimum period of one hour. In the case of the design load from one lift of waste, the minimum period shall be one hour. For geonets used in final covers, only one test shall be conducted for a minimum period of one hour using the expected maximum design normal load from the cover soils and the actual boundary materials intended for the geonet. A granular layer at least 12 inches thick with a hydraulic conductivity of at least 1×10^{-3} cm/sec shall be placed above the geosynthetic drainage material that readily transmits leachate and provides separation between the waste and liner.

(8) Manholes within the MSWLF unit shall be designed to minimize the potential for stressing or penetrating the liner due to friction on the manhole exterior from waste settlement.

(9) The leachate drainage and collection system within the MSWLF unit shall not be used for the purpose of storing leachate. If leachate is to be stored, it shall be stored in designated storage structures outside of the MSWLF unit.

(10) All of the facility's leachate storage and management structures outside of the MSWLF unit (e.g., tanks, holding ponds, pipes, sumps, manholes, lift stations) and operations shall have containment structures or countermeasures adequate to prevent seepage to groundwater or surface water. The containment structures and countermeasures for leachate storage shall be at least as protective of groundwater at the liner of the MSWLF unit on a performance basis.

(11) Unless alternative design requirements are approved as part of the permit under subrule 113.2(11) (relating to equivalency review procedure), the leachate storage structures shall be able to store at least 7 days of accumulated leachate at the maximum generation rate used in designing the leachate collection system. Such minimum storage capacity may be constructed in phases over time so long as the 7-day accumulation capacity is maintained. The storage facility shall also have the ability to load tanker trucks in case sanitary sewer service is unavailable for longer than 7 days.

(12) The leachate collection system shall be equipped with valves or devices similar in effectiveness so that leachate can be controlled during maintenance.

(13) The leachate collection system shall be accessible for maintenance at all times and under all weather conditions.

(14) The permit holder shall annually submit a Leachate Control System Performance Evaluation (LCSPE) Report as a supplement to the facility Annual Water Quality Report, as defined in subrule 113.10(10). The report shall include an evaluation of the effectiveness of the system in controlling the leachate, leachate head levels and elevations, the volume of leachate collected and transported to the treatment works or discharged under any NPDES permits, records of leachate contaminants testing required by the treatment works, proposed additional leachate control measures, and an implementation schedule in the event that the constructed system is not performing effectively.

113.7(6) *Quality control and assurance programs.* All MSWLF units shall be constructed under the supervision of a strict quality control and assurance (QC&A) program to ensure that MSWLF units are constructed in accordance with the requirements of rule 113.7(455B) and the approved plans and specifications. At a minimum, such a QC&A program shall consist of the following.

a. The owner or operator shall designate a quality control and assurance (QC&A) officer. The QC&A officer shall be a professional engineer (P.E.) registered in Iowa. The QC&A officer shall not be an employee of the facility, the construction company or construction contractor. The owner or operator shall notify the department of the designated QC&A officer and provide the department with that person's

contact information. The QC&A officer may delegate another person or persons who are not employees of the facility to supervise or implement an aspect of the QC&A program.

b. The QC&A officer shall document compliance with rule 113.7(455B), and the approved plans and specifications, for the following aspects of construction:

(1) The MSWLF unit's subgrade.

(2) The liner system, as applicable, below:

1. The flexible membrane liner (FML). Destructive testing of the FML shall be kept to side slopes when continuous seams are utilized. Patches over FML destructive testing areas shall be checked with nondestructive methods.

2. The compacted clay component of the liner system. A minimum of five field moisture density tests per 8-inch lift per acre shall be performed to verify that the correct density, as correlated to permeability by a laboratory analysis, has been achieved. Laboratory hydraulic conductivity testing of Shelby tube samples from the constructed soil liner or test pad, or field hydraulic conductivity testing of the constructed soil liner or test pad, or other methods approved by the department, shall be utilized as a QC&A test.

(3) The leachate collection, conveyance and storage systems.

(4) Any other aspect of construction as required by the department.

c. A sampling and testing program shall be implemented by the QC&A officer as part of the QC&A program. The sampling and testing program shall:

(1) Verify full compliance with the requirements of rule 113.7(455B), and the approved plans and specifications.

(2) Be approved by the department prior to construction of the MSWLF unit.

(3) Detail how each stage of construction will be verified for full compliance with the requirements of rule 113.7(455B), and the approved plans and specifications.

(4) Be based on statistically significant sampling techniques and establish criteria for the acceptance or rejection of materials and constructed components of the MSWLF unit.

(5) Detail what actions will take place to remedy and verify any material or constructed component that is not in compliance with the requirements of rule 113.7(455B), and the approved plans and specifications.

d. The QC&A officer shall document the QC&A program. Upon completion of the MSWLF unit construction, the QC&A officer shall submit a final report to the department that verifies compliance with the requirements of rule 113.7(455B), and the approved plans and specifications. A copy of the final report shall also be maintained by the facility in the operating record. At a minimum, the final report shall include the following.

(1) A title page and index.

(2) The name and permit number of the facility.

(3) Contact information for the QC&A officer and persons delegated by the QC&A officer to supervise or implement an aspect of the QC&A program.

(4) Contact information for all construction contractors.

(5) Copies of daily reports containing the following information.

1. The date.

2. Summary of weather conditions.

3. Summary of locations on the facility where construction was occurring.

4. Summary of equipment, materials and personnel utilized in construction.

5. Summary of meetings held regarding the construction of the MSWLF unit.

6. Summary of construction progress.

7. Photographs of the construction progress, with descriptions of the time, subject matter and location of each photograph.

8. Details of sampling and testing program for that day. At a minimum, this report shall include details of where sampling and testing occurred, the methods utilized, personnel involved and test results.

9. Details of how any material or constructed component that was found not to be in compliance via the sampling and testing program was remedied.

(6) A copy of detailed as-built drawings with supporting documentation and photographic evidence. This copy shall also include a narrative explanation of changes from the original department-approved plans and specifications.

(7) A signed and sealed statement by the QC&A officer that the MSWLF unit was constructed in accordance with the requirements of rule 113.7(455B), and the approved plans and specifications.

113.7(7) *Vertical and horizontal expansions of MSWLF units.* All vertical and horizontal expansions of disposal airspace over existing and new MSWLF units shall comply with the following requirements.

a. Horizontal expansions shall, at a minimum, comply with the following requirements:

(1) Horizontal expansions are new MSWLF units and, at a minimum, shall be designed and constructed in accordance with subrules 113.7(4), 113.7(5) and 113.7(6).

(2) The slope stability of the horizontal expansion between the existing unit and new MSWLF unit shall be analyzed. The interface between two MSWLF units shall not cause a slope failure of either of the MSWLF units.

(3) A horizontal expansion may include a vertical elevation increase of an existing MSWLF unit, pursuant to paragraph 113.7(7)*"b,"* if approved by the department.

b. Vertical expansions shall, at a minimum, comply with the following requirements:

(1) A vertical expansion of an MSWLF unit shall not be allowed if the MSWLF unit does not have an approved leachate collection system and a composite liner or a leachate collection system and an alternative liner modeled at an approved point of compliance.

(2) An analysis of the structural impacts of the proposed vertical expansion on the liner and leachate collection system shall be completed. The vertical expansion shall not contribute to the structural failure of the liner and leachate collection system.

(3) An analysis of the impact of the proposed vertical expansion on leachate generation shall be completed. The vertical expansion shall not overload the leachate collection system or contribute to excess head on the liner.

(4) An analysis of the effect of the proposed vertical expansion on run-on, runoff and discharges into waters of the state shall be completed. The vertical expansion shall not cause a violation of subrule 113.7(8).

(5) The proposed vertical expansion shall be in compliance with the final slopes required at closure pursuant to paragraph 113.12(1)*"e."*

(6) An analysis of the potential impact of the proposed vertical expansion on litter generation shall be completed. Landfill management strategies may need to be amended to help prevent increased litter.

(7) An analysis of the impact of the proposed vertical expansion on lines-of-sight and any visual buffering utilized by the landfill shall be completed.

113.7(8) *Run-on and runoff control systems.*

a. Owners or operators of all MSWLF units must design, construct, and maintain the following:

(1) A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;

(2) A runoff control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

b. Runoff from the active portion of the MSWLF unit must be handled in accordance with paragraph 113.10(1)*"a."*

567—113.8(455B) Operating requirements. The requirements of this rule shall be consolidated in a development and operations plan (DOPs) pursuant to subrule 113.8(4) and the emergency response and remedial action plan (ERRAP) pursuant to subrule 113.8(5), as applicable.

113.8(1) *Prohibited operations and activities.* For the purposes of this subrule, "regulated hazardous waste" means a solid waste that is a hazardous waste, as defined in Iowa Code section 455B.411.

a. *Waste screening for prohibited materials.* Owners or operators of all MSWLF units must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes, polychlorinated biphenyls (PCB) wastes and other prohibited wastes listed in paragraph 113.8(1)*"b."* This program must include, at a minimum:

(1) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes, PCB wastes or other prohibited wastes listed in paragraph 113.8(1)*"b"*;

(2) Records of any inspections;

(3) Training of facility personnel to recognize regulated hazardous wastes, PCB wastes and other prohibited wastes listed in paragraph 113.8(1)*"b"*; and

(4) Notification of the EPA regional administrator if regulated hazardous wastes or PCB wastes are discovered at the facility.

b. Materials prohibited from disposal. The following wastes shall not be accepted for disposal by an MSWLF. Some wastes may be banned from disposal via the multiple categories listed below.

(1) Hazardous waste, whether it is a chemical compound specifically listed by EPA as a regulated hazardous waste or a characteristic hazardous waste pursuant to the characteristics below:

1. Ignitable in that the waste has a flash point (i.e., it will ignite) at a temperature of less than 140 degrees Fahrenheit.

2. Corrosive in that the waste has a pH less than 2 or greater than 12.5.

3. Reactive in that the waste is normally unstable; reacts violently with water; forms an explosive mixture with water; contains quantities of cyanide or sulfur that could be released into the air in sufficient quantity to be a danger to human health; or can easily be detonated or exploded.

4. Toxicity characteristic leaching procedure (TCLP) (EPA Method 1311) toxic, in that a TCLP listed chemical constituent exceeds the EPA assigned concentration standard in 40 CFR Part 261 or the department assigned concentration standard in Table I of rule 113.7(455B). Waste from a residential building that is contaminated by lead-based paint (i.e., the waste fails the TCLP test for lead only) may be disposed of in an MSWLF unit. The purpose of this exclusion is to help prevent the exposure of children to lead-based paint. Therefore, the meaning of "residential building" in regard to this TCLP exclusion shall be interpreted broadly and include any building which children or parents may utilize as a residence (temporarily or permanently). Such residential buildings include, but are not limited to, single-family homes, apartment buildings, townhomes, condominiums, public housing, military barracks, nursing homes, hotels, motels, bunkhouses, and campground cabins.

(2) Polychlorinated biphenyl (PCB) wastes with a concentration equal to or greater than 50 parts per million (ppm).

(3) Free liquids, liquid waste and containerized liquids. For purposes of this subparagraph, "liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods (EPA Pub. No. SW-846). For the purposes of this subparagraph, "gas condensate" means the liquid generated as a result of the gas recovery process(es) at the MSWLF unit. However, free liquids and containerized liquids may be placed in MSWLF units if:

1. The containerized liquid is household waste other than septic waste. The container must be a small container similar in size to that normally found in household waste;

2. The waste is leachate or gas condensate derived from the MSWLF unit, whether it is a new or existing MSWLF unit or lateral expansion, and is designed with a composite liner and leachate collection system as described in paragraph 113.7(5)*"a."* The owner or operator must demonstrate compliance with this subparagraph and place the demonstration in the operating record; or

3. The MSWLF unit is a research, development and demonstration (RD&D) project in which the department has authorized the addition of liquids and meets the applicable requirements of subrule 113.4(10).

(4) Septage, which is the raw material, liquids and pumpings from a septic system, unless treated pursuant to 567—Chapter 68.

(5) Appliances as defined pursuant to 567—Chapter 118, unless there is documentation that the appliance has been demanufactured pursuant to 567—Chapter 118.

(6) Radioactive waste, excluding luminous timepieces and other items using very small amounts of tritium.

(7) Infectious waste, unless managed and disposed of pursuant to 567—Chapter 109.

(8) Hot loads, meaning solid waste that is smoking, smoldering, emitting flames or hot gases, or otherwise indicating that the solid waste is in the process of combustion or close to igniting. Ash that has not been fully quenched or cooled is considered a hot load. Such wastes may be accepted at the gate, but shall be segregated and completely extinguished and cooled in a manner as safe and responsible as practical before disposal.

(9) Asbestos-containing material (ACM) waste with greater than 1 percent asbestos, unless managed and disposed of pursuant to 567—Chapter 109.

(10) Petroleum-contaminated soil, unless managed and remediated pursuant to 567—Chapter 120.

(11) Grit and bar screenings, and grease skimmings, unless managed and disposed of pursuant to 567—Chapter 109.

(12) Waste tires, unless each tire is processed into pieces no longer than 18 inches on any side. The department encourages the recycling of all waste tires, even if processed to disposal standards.

(13) Yard waste.

(14) Lead-acid batteries.

(15) Waste oil and materials containing free-flowing waste oil. Materials contaminated with waste oil may be disposed of if no free-flowing oil is retained in the material, and the material is not a hazardous waste.

(16) Baled solid waste, unless the waste is baled on site after the waste has been visually inspected for prohibited materials.

c. Open burning and fire hazards. No open burning of any type shall be allowed within the permitted boundary of an MSWLF facility. The fueling of vehicles and equipment, and any other activity that may produce sparks or flame, shall be conducted at least 50 feet away from the working face.

d. Scavenging and salvaging. Scavenging shall not be allowed at the MSWLF facility. However, salvaging by MSWLF operators may be allowed.

e. Animal feeding and grazing. Feeding animals MSW shall not be allowed at an MSWLF facility. The grazing of domestic animals on fully vegetated areas of the MSWLF facility not used for disposal, including closed MSWLF units, may be allowed by the department so long as the animals do not cause damage or interfere with operations, inspections, environmental monitoring and other required activities. Large, hoofed animals (including but not limited to buffalo, cattle, llamas, pigs, and horses) shall not be allowed on closed MSWLF units.

113.8(2) *Disposal operations and activities.* All MSWLFs shall comply with the following requirements.

a. Survey controls and monuments. Survey controls and monuments shall be maintained as follows.

(1) The property boundary, the permitted boundary and the boundaries of all MSWLF units shall be surveyed and marked by a professional land surveyor at least once prior to closure.

(2) Prior to waste placement, all new MSWLF unit boundaries shall be surveyed and marked by a professional engineer.

(3) Survey monuments shall be established to check vertical elevations and the progression of fill sequencing. The survey monuments shall be established and maintained by a professional land surveyor.

(4) All survey stakes and monuments shall be clearly marked.

(5) A professional engineer shall biennially inspect all survey monuments and replace missing or damaged survey monuments.

b. First lift. The first lift and initial placement of MSW over a new MSWLF unit liner and leachate collection system shall comply with the following requirements.

(1) Waste shall not be placed in the new MSWLF unit until the QC&A officer has submitted a signed and sealed final report to the department pursuant to paragraph 113.7(6)*"d"* and that report has been approved by the department.

(2) Construction and earth-moving equipment shall not operate directly on the liner and leachate management system. Waste disposal operations shall begin at the edge of the new MSWLF unit by pushing MSW out over the liner and leachate collection system. Compactors and other similarly heavy

equipment shall not operate directly on the leachate collection system until a minimum of 4 feet of waste has been mounded over the top of the leachate collection system.

(3) Construction and demolition debris and materials clearly capable of spearing through the leachate collection system and liner shall not be placed in the first 4 feet of waste over the top of the leachate collection system. The first 4 feet of waste shall consist of select waste that is unlikely to damage the liner and performance of the leachate collection system.

(4) The owner or operator must place documentation in the operating record and submit a copy to the department that adequate cover material was placed over the top of the leachate collection system in the MSWLF unit or that freeze/thaw effects had no adverse impact on the compacted clay component of the liner.

c. Fill sequencing. The rate and phasing of disposal operations shall comply with the following requirements.

(1) The fill sequencing shall be planned and conducted in a manner and at a rate that do not cause a slope failure, lead to extreme differential settlement, or damage the liner and leachate collection system.

(2) The fill sequencing shall be planned and conducted in a manner compliant with the run-on and runoff requirements of subrule 113.7(8) and surface water requirements of rule 113.10(455B).

d. Working face. The working face shall comply with the following requirements.

(1) The working face shall be no larger than necessary to accommodate the rate of disposal in a safe and efficient manner.

(2) The working face shall not be so steep as to cause heavy equipment and solid waste collection vehicles to roll over or otherwise lose control.

(3) Litter control devices of sufficient size to help prevent blowing litter shall be utilized at the working face. The operation of the working face shall attempt to minimize blowing litter.

(4) The operation of the working face shall prevent the harborage of vectors and attempt to minimize the attraction of vectors.

(5) Employees at the working face shall be trained to visually recognize universal symbols, markings and indications of prohibited wastes pursuant to paragraph 113.8(1)*"b."*

e. Special wastes. Special wastes shall be managed and disposed of pursuant to 567—Chapter 109.

f. Cover material and alternative cover material. Pursuant to 567—Chapter 108, alternative cover material of an alternative thickness (e.g., tarps, spray covers) may be authorized if the owner or operator demonstrates to the approval of the department that the alternative material and thickness control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. Cover material or alternative cover material shall be available for use during all seasons in all types of weather. Cover material and alternative cover material shall be utilized as follows unless otherwise approved by the department pursuant to 567—Chapter 108:

(1) Daily cover. Six inches of cover material or an approved depth or application of alternative cover material shall be placed and maintained over waste in the active portion at the end of each operating day, or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging.

(2) Intermediate cover. At least 1 foot of compacted cover material or an approved depth or application of alternative cover material shall be placed and maintained over waste in the active portion that has not or will not receive more waste for at least 30 days. At least 2 feet of compacted cover material or alternative cover material shall be placed and maintained over waste in the active portion that has not or will not receive waste for at least 180 days. Such active portions shall be graded to manage run-on and runoff pursuant to subrule 113.7(8). Such active portions shall be seeded if they will not receive waste for a full growing season.

(3) Scarification of cover. To help prevent leachate seeps by aiding the downward flow of leachate, cover material or alternative cover material, which prevents the downward flow of leachate and is at least 5 feet from the outer edge of the MSWLF unit, shall be scarified prior to use of that area as a working face. Cover material or alternative cover material that does not impede the downward flow of leachate, as approved by the department, does not require scarification. Scarification may be as simple as the

spearing or breaking up of a small area of the cover. Areas of intermediate cover may require removal of some of the cover material or alternative cover material to aid the downward flow of leachate.

(4) Final cover. Final cover over an MSWLF unit that is to be closed shall be constructed and maintained according to the closure and postclosure requirements of rules 113.12(455B) and 113.13(455B).

g. Leachate seeps. Leachate seeps shall be contained and plugged upon being identified. Leachate seeps shall not be allowed to reach waters of the state. Soils outside of the MSWLF unit that are contaminated by a leachate seep shall be excavated and then disposed of within the MSWLF unit. Such soils may be used for daily cover material.

h. Leachate recirculation. The department must approve an MSWLF unit for leachate recirculation. The primary goal of the leachate recirculation system is to help stabilize the waste in a more rapid, but controlled, manner. The leachate recirculation system shall not contaminate waters of the state, contribute to erosion, damage cover material, harm vegetation, or spray persons at the MSWLF facility. Leachate recirculation shall be limited to MSWLF units constructed with a composite liner.

i. Differential settlement. Areas of differential settlement sufficient to interfere with runoff and run-on shall be brought back up to the contours of the surrounding active portion. Differential settlement shall not be allowed to cause ponding of water on the active portion.

113.8(3) *Facility operations and activities.* All MSWLFs shall comply with the following requirements.

a. Controlled access. Owners or operators of all MSWLF units must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

b. Scales and weights. A scale certified by the Iowa department of agriculture and land stewardship shall weigh all solid waste collection vehicles and solid waste transport vehicles. The owner or operator shall maintain a record of the weight of waste disposed of.

c. All-weather access to disposal. A disposal area shall be accessible during all weather conditions.

d. Salvaged and processed materials. Salvaged and processed materials (e.g., scrap metal, compost, mulch, aggregate, tire chips) shall be managed and stored in an orderly manner that does not create a nuisance or encourage the attraction or harborage of vectors.

e. Vector control. Owners or operators must prevent or control the on-site populations of vectors using techniques appropriate for the protection of human health and the environment.

f. Litter control. The operator shall take steps to minimize the production of litter and the release of windblown litter off site of the facility. All windblown litter off site of the facility shall be collected daily unless prevented by unsafe working conditions. On-site litter shall be collected daily unless prevented by working conditions. A dated record of unsafe conditions that prevented litter collection activities shall be maintained by the facility.

g. Dust. The operator shall take steps to minimize the production of dust so that unsafe or nuisance conditions are prevented. Leachate shall not be used for dust control purposes.

h. Mud. The operator shall take steps to minimize the tracking of mud by vehicles exiting the facility so that slick or unsafe conditions are prevented.

i. Leachate and wastewater treatment. The leachate management system shall be managed and maintained pursuant to the requirements of paragraph 113.7(5)*"b."* Leachate collection pipes shall be cleaned and inspected as necessary, but not less than once every three years. Leachate and wastewater shall be treated as necessary to meet the pretreatment limits, if any, imposed by an agreement between the MSWLF and a publicly owned wastewater treatment works (POTW) or by the effluent discharge limits established by an NPDES permit. Documentation of the POTW agreement or NPDES permit must be submitted to the department. All leachate and wastewater treatment systems shall conform to department wastewater design standards.

j. Financial assurance. Financial assurance shall be maintained pursuant to rule 113.14(455B).

113.8(4) *Development and operations plan (DOPs).* An MSWLF unit shall maintain a development and operations plan (DOPs). At a minimum, the DOPs shall detail how the facility will operate and how

compliance with the requirements of rule 113.8(455B) will be maintained. The DOPs shall contain at least the following components.

a. A title page and table of contents.

b. Telephone number of the official responsible for the operation of the facility and an emergency contact person if different.

c. Service area of the facility and political jurisdictions included in that area.

d. Days and hours of operation of the facility.

e. Details of how the site will comply with the prohibited operations and activity requirements of subrule 113.8(1) and any related permit conditions.

f. Details of how the site will comply with the disposal operation and activity requirements of subrule 113.8(2) and any related permit conditions.

g. Details of how the site will comply with the facility operations and activity requirements of subrule 113.8(3), any related permit conditions, and any leachate and wastewater treatment requirements.

113.8(5) *Emergency response and remedial action plan (ERRAP).* All MSWLFs shall develop, submit to the department for approval, and maintain on site an ERRAP.

a. *ERRAP submittal requirements.* An updated ERRAP shall be submitted to the department with any permit modification or renewal request that incorporates facility changes that impact the ERRAP.

b. *Content.* The ERRAP is intended to be a quick reference during an emergency. The content of the ERRAP shall be concise and readily usable as a reference manual by facility managers and operators during emergency conditions. The ERRAP shall contain and address at least the following components, unless facility conditions render the specific issue as not applicable. To facilitate department review, the rationale for exclusion of any issues that are not applicable must be provided either in the body of the plan or as a supplement. Additional ERRAP requirements unique to the facility shall be addressed as applicable.

(1) Facility information.

1. Permitted agency.
2. DNR permit number.
3. Responsible official and contact information.
4. Certified operator and contact information.
5. Facility description.
6. Site and environs map.

(2) Regulatory requirements.

1. Iowa Code section 455B.306(6)*"d"* criteria citation.
2. Reference to provisions of the permit.

(3) Emergency conditions, response activities and remedial action.

1. Failure of utilities.
- Short-term (48 hours or less).
- Long-term (over 48 hours).
2. Evacuation procedures during emergency conditions.
3. Weather-related events.
- Tornado and wind events.
- Snow and ice.
- Intense rainstorms, mud, and erosion.
- Lightning strikes.
- Flooding.
- Event and postevent conditions.
4. Fire and explosions.
- Waste materials.
- Buildings and site.
- Equipment.
- Fuels.
- Utilities.

- Facilities.
- Working area.
- Hot loads.
- Waste gases.
- Explosive devices.

5. Regulated waste spills and releases.

- Waste materials.
- Leachate.
- Waste gases.
- Waste stockpiles and storage facilities.
- Waste transport systems.
- Litter and airborne particulate.
- Site drainage system.
- Off-site releases.

6. Hazardous material spills and releases.

- Load-check control points.
- Mixed waste deliveries.
- Fuels.
- Waste gases.
- Site drainage systems.
- Off-site releases.

7. Mass movement of land and waste.

- Earthquakes.
- Slope failure.
- Waste shifts.
- Waste subsidence.

8. Emergency and release notification and reporting.

- Federal agencies.
- State agencies.
- County and city agencies including emergency management services.
- News media.
- Public and private facilities with special populations within five miles.
- Reporting requirements and forms.

9. Emergency waste management procedures.

- Communications.
- Temporary discontinuation of services—short-term and long-term.
- Facilities access and rerouting.
- Waste acceptance.
- Wastes in process.

10. Primary emergency equipment inventory.

- Major equipment.
- Fire hydrants and water sources.
- Off-site equipment resources.

11. Emergency aid.

- Responder contacts.
- Medical services.
- Contracts and agreements.

12. ERRAP training requirements.

- Training providers.
- Employee orientation.
- Annual training updates.
- Training completion and record keeping.

13. Reference tables, figures and maps.

113.8(6) *MSWLF operator certification.* Sanitary landfill operators shall be trained, tested, and certified by a department-approved certification program.

a. A sanitary landfill operator shall be on duty during all hours of operation of a sanitary landfill, consistent with the respective certification.

b. To become a certified operator, an individual shall complete a basic operator training course that has been approved by the department or an alternative, equivalent training approved by the department and shall pass a departmental examination as specified by this subrule. An operator certified by another state may have reciprocity subject to approval by the department.

c. A sanitary landfill operator certification is valid until June 30 of the following even-numbered year.

d. The required basic operator training course for a certified sanitary landfill operator shall have at least 25 contact hours and shall address the following areas, at a minimum:

(1) Description of types of wastes.

(2) Interpreting and using engineering plans.

(3) Construction surveying techniques.

(4) Waste decomposition processes.

(5) Geology and hydrology.

(6) Landfill design.

(7) Landfill operation.

(8) Environmental monitoring.

(9) Applicable laws and regulations.

(10) Permitting processes.

(11) Leachate control and treatment.

e. Alternate basic operator training must be approved by the department. The applicant shall be responsible for submitting any documentation the department may require to evaluate the equivalency of alternate training.

f. Fees.

(1) The examination fee for each examination is $20.

(2) The initial certification fee is $8 for each one-half year of a two-year period from the date of issuance to June 30 of the next even-numbered year.

(3) The certification renewal is $24.

(4) The penalty fee is $12.

g. Examinations.

(1) The operator certification examinations shall be based on the basic operator training course curriculum.

(2) All individuals wishing to take the examination required to become a certified operator of a sanitary landfill shall complete the Operator Certification Examination Application, Form 542-1354. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification. The completed application and the application fee shall be sent to the department and addressed to the central office in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

(3) A properly completed application for examination shall be valid for one year from the date the application is approved by the department.

(4) Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of 180 days between each subsequent examination.

(5) Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

(6) Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

(7) Completed examinations will be retained by the department for a period of one year after which they will be destroyed.

(8) Oral examinations may be given at the discretion of the department.

h. Certification.

(1) All operators who passed the operator certification examination by July 1, 1991, are exempt from taking the required operator training course. Beginning July 1, 1991, all operators are required to take the basic operator training course and pass the examination in order to become certified.

(2) Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

(3) Applications for certification by examination which are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days of notice of successful completion of the examination will not be certified on the basis of that examination.

(4) For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

(5) For applicants who have been certified under voluntary certification programs in other states, certification will be considered. The applicant must have successfully completed a basic operator training course and an examination generally equivalent to the Iowa examination. The department may require the applicant to successfully complete the Iowa examination.

(6) Applicants who seek Iowa certification pursuant to subparagraphs 113.8(6)*"h"*(4) and (5) shall submit an application for examination accompanied by a letter requesting certification pursuant to those subparagraphs. Application for certification pursuant to those subparagraphs shall be received by the department in accordance with subparagraphs 113.8(6)*"h"*(2) and (3).

i. Renewals. All certificates shall expire every two years, on even-numbered years, and must be renewed every two years to maintain certification. Application and fee are due prior to expiration of certification.

(1) Late application for renewal of a certificate may be made, provided that such late application shall be received by the department or postmarked within 30 days of the expiration of the certificate. Such late application shall be on forms provided by the department and accompanied by the penalty fee and the certification renewal fee.

(2) If a certificate holder fails to apply for renewal within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with paragraph 113.8(6)*"h."*

(3) An operator shall not continue to operate a sanitary landfill after expiration of a certificate without renewal thereof.

(4) Continuing education must be earned during the two-year certification period. All certified operators must earn ten contact hours per certificate during each two-year period. The two-year period will begin upon issuance of certification.

(5) Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certificates. The certificates of operators not fulfilling the continuing education requirements shall be void upon expiration, unless an extension is granted.

(6) All activities for which continuing education credit will be granted must be related to the subject matter of the particular certificate to which the credit is being applied.

(7) The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which the applicant may fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented

health-related confinement or other circumstances beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.

(8) The certified operator is responsible for notifying the department of the continuing education credits earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

(9) A certified operator shall be deemed to have complied with the continuing education requirements of this subrule during periods that the operator serves honorably on active duty in the military service; or for periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there; or for periods that the person is a government employee working as an operator and is assigned to duty outside the United States; or for other periods of active practice and absence from the state approved by the department.

j. Discipline of certified operators.

(1) Disciplinary action may be taken on any of the following grounds:

1. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to landfill operation.

2. Failure to submit required records of operation or other reports required under applicable permits or rules of the department, including failure to submit complete records or reports.

3. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

(2) Disciplinary sanctions allowable are:

1. Revocation of a certificate.

2. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training or reexamination may be required as a condition of probation.

(3) The procedure for discipline is as follows:

1. The department shall initiate disciplinary action. The commission may direct that the department investigate any alleged factual situation that may be grounds for disciplinary action under subparagraph 113.8(6)*"j"*(1) and report the results of the investigation to the commission.

2. A disciplinary action may be prosecuted by the department.

3. Written notice shall be given to an operator against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. The operator shall be given 20 days to present any relevant facts and indicate the operator's position in the matter and to indicate whether informal resolution of the matter may be reached.

4. An operator who receives notice shall communicate verbally, in writing, or in person with the department, and efforts shall be made to clarify the respective positions of the operator and department.

5. The applicant's failure to communicate facts and positions relevant to the matter by the required date may be considered when determining appropriate disciplinary action.

6. If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

7. If an agreement as to appropriate disciplinary action, if any, cannot be reached, the department may initiate formal hearing procedures. Notice and formal hearing shall be in accordance with 567—Chapter 7 related to contested and certain other cases pertaining to license discipline.

k. Revocation of certificates. Upon revocation of a certificate, application for certification may be allowed after two years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

l. Temporary certification. A temporary operator of a sanitary landfill may be designated for a period of six months when an existing certified operator is no longer available to the facility. The facility

must make application to the department, explain why a temporary certification is needed, identify the temporary operator, and identify the efforts which will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary operator designation may be rescinded for cause as set forth in paragraph 113.8(6)*"j."* All MSWLFs shall have at least one MSWLF operator trained, tested and certified by a department-approved program.

567—113.9(455B) Environmental monitoring and corrective action requirements for air quality and landfill gas. All MSWLFs shall comply with the following environmental monitoring and corrective action requirements for air quality and landfill gas.

113.9(1) *Air criteria.* Owners or operators of all MSWLFs must ensure that the units do not violate any applicable requirements developed under a state implementation plan (SIP) approved or promulgated by the department pursuant to Section 110 of the Clean Air Act.

113.9(2) *Landfill gas.* All MSWLFs shall comply with the following requirements for landfill gas. For purposes of this subrule, "lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25°C and atmospheric pressure.

a. Owners or operators of all MSWLF units must ensure that:

(1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas pipeline, control or recovery system components);

(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary; and

b. Owners or operators of all MSWLF units must implement a routine methane-monitoring program to ensure that the standards of paragraph 113.9(2)*"a"* are met. Such a program shall include routine subsurface methane monitoring (e.g., at select groundwater wells, at gas monitoring wells).

(1) The type and frequency of monitoring must be determined based on the following factors:

1. Soil conditions;
2. The hydrogeologic conditions surrounding the facility;
3. The hydraulic conditions surrounding the facility;
4. The location of facility structures (including potential subsurface preferential pathways such as, but not limited to, pipes, utility conduits, drain tiles and sewers) and property boundaries; and
5. The locations of structures near the outside of the facility to which or along which subsurface migration of methane gas may occur. Examples of such structures include, but are not limited to, houses, buildings, basements, crawl spaces, pipes, utility conduits, drain tiles and sewers.

(2) The minimum frequency of monitoring shall be quarterly.

c. If methane gas levels exceeding the limits specified in paragraph 113.9(2)*"a"* are detected, the owner or operator must:

(1) Immediately take all necessary steps to ensure protection of human health and notify the department and department field office with jurisdiction over the MSWLF;

(2) Within 7 days of detection, place in the operating record and notify the department and department field office with jurisdiction over the MSWLF of the methane gas levels detected and a description of the steps taken to protect human health; and

(3) Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the department and department field office with jurisdiction over the MSWLF that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.

d. The owner or operator shall submit an annual report to the department detailing the gas monitoring sampling locations and results, any action taken, and the results of steps taken to address gas levels exceeding the limits of paragraph 113.9(2)*"a"* during the previous year. This report shall include a site map that delineates all structures, perimeter boundary locations, and other monitoring points where gas readings were taken. The site map shall also delineate areas of landfill gas migration

outside the MSWLF units, if any. The report shall contain a narrative explaining and interpreting all of the data collected during the previous year. The report shall be due each year at a date specified by the department in the facility's permit.

567—113.10(455B) Environmental monitoring and corrective action requirements for groundwater and surface water. All MSWLFs shall comply with the following environmental monitoring and corrective action requirements for groundwater and surface water.

113.10(1) *General requirements for environmental monitoring and corrective action for groundwater and surface water.* The following general requirements apply to all provisions of this rule.

a. Surface water requirements. MSWLF units shall not:

(1) Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements, pursuant to Section 402 of the Clean Water Act.

(2) Cause the discharge of a nonpoint source of pollution into waters of the United States, including wetlands, that violates any requirement of an areawide or statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

b. A new MSWLF unit must be in compliance with the groundwater monitoring requirements specified in subrules 113.10(2), 113.10(4), 113.10(5) and 113.10(6) before waste can be placed in the unit.

c. Once established at an MSWLF unit, groundwater monitoring shall be conducted throughout the active life and postclosure care period of that MSWLF unit as specified in rule 113.13(455B).

d. For the purposes of this rule, a "qualified groundwater scientist" means a scientist or an engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

e. The department may establish alternative schedules for demonstrating compliance with:

(1) Subparagraph 113.10(2)*"e"*(3), pertaining to notification of placement of certification in operating record;

(2) Subparagraph 113.10(5)*"c"*(1), pertaining to notification that statistically significant increase (SSI) notice is in operating record;

(3) Subparagraphs 113.10(5)*"c"*(2) and (3), pertaining to an assessment monitoring program;

(4) Paragraph 113.10(6)"b," pertaining to sampling and analyzing Appendix II constituents;

(5) Subparagraph 113.10(6)*"d"*(1), pertaining to placement of notice (Appendix II constituents detected) in record and notification of placement of notice in record;

(6) Subparagraph 113.10(6)*"d"*(2), pertaining to sampling for Appendices I and II;

(7) Paragraph 113.10(6)*"g,"* pertaining to notification (and placement of notice in record) of SSI above groundwater protection standard;

(8) Numbered paragraph 113.10(6)*"g"*(1)"4" and paragraph 113.10(7)*"a,"* pertaining to assessment of corrective measures;

(9) Paragraph 113.10(8)*"a,"* pertaining to selection of remedy and notification of placement in record;

(10) Paragraph 113.10(9)*"f,"* pertaining to notification of placement in record (certification of remedy completed).

113.10(2) *Groundwater monitoring systems.* All MSWLFs shall have a groundwater monitoring system that complies with the following requirements:

a. A groundwater monitoring system must be installed that meets the following objectives:

(1) Yields groundwater samples from the uppermost aquifer that represent the quality of background groundwater that has not been affected by leakage from a unit. A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where either:

1. Hydrogeologic conditions do not allow the owner or operator to determine which wells are hydraulically upgradient; or

2. Sampling at other wells will provide an indication of background groundwater quality that is as representative as or more representative than that provided by the upgradient wells.

(2) Yields groundwater samples from the uppermost aquifer that represent the quality of groundwater passing the relevant point of compliance specified by the department under numbered paragraph 113.7(5)*"a"*(2)"2." The downgradient monitoring system must be installed at the relevant point of compliance specified by the department under numbered paragraph 113.7(5)*"a"*(2)"2" that ensures detection of groundwater contamination in the uppermost aquifer. When physical obstacles preclude installation of groundwater monitoring wells at the relevant point of compliance at existing units, the downgradient monitoring system may be installed at the closest practicable distance, hydraulically downgradient from the relevant point of compliance specified by the department under numbered paragraph 113.7(5)*"a"*(2)"2," that ensures detection of groundwater contamination in the uppermost aquifer.

(3) Provides a high level of certainty that releases of contaminants from the site can be promptly detected. Downgradient monitoring wells shall be placed along the site perimeter, within 50 feet of the planned liner or waste boundary unless site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored. Each groundwater underdrain system shall be included in the groundwater detection monitoring program under subrule 113.10(5). The maximum drainage area routed through each outfall shall not exceed 10 acres unless it can be demonstrated that site-specific factors such as drain flow capacity or site development sequencing require an alternative drainage area. If contamination is identified in the groundwater underdrain system pursuant to subrule 113.10(5), the owner or operator shall manage the underdrain discharge as leachate in lieu of assessment monitoring and corrective action.

(4) Be designed and constructed with the theoretical release evaluation pursuant to subparagraph 113.6(3)*"e"*(6) taken into consideration.

b. For those facilities which are long-term, multiphase operations, the department may establish temporary waste boundaries in order to define locations for monitoring wells. The convergence of groundwater paths to minimize the overall length of the downgradient dimension may be taken into consideration in the placement of downgradient monitoring wells provided that the multiphase unit groundwater monitoring system meets the requirements of paragraphs 113.10(2)*"a,"* 113.10(2)*"c,"* 113.10(2)*"d"* and 113.10(2)*"e"* and will be as protective of human health and the environment as the individual monitoring systems for each MSWLF unit, based on the following factors:

(1) Number, spacing, and orientation of the MSWLF units;

(2) Hydrogeologic setting;

(3) Site history;

(4) Engineering design of the MSWLF units; and

(5) Type of waste accepted at the MSWLF units.

c. Monitoring wells must be constructed and cased by a well contractor certified pursuant to 567—Chapter 82 in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. Monitoring wells constructed in accordance with the rules in effect at the time of construction shall not be required to be abandoned and reconstructed as a result of subsequent amendments to these rules unless the department finds that the well is no longer providing representative groundwater samples. See Figure 1 for a general diagram of a properly constructed monitoring well.

(1) The owner or operator must notify the department that the design, installation, development, and decommission of any monitoring wells, piezometers and other measurement, sampling, and analytical devices documentation has been placed in the operating record.

(2) The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

(3) Each groundwater monitoring point must have a unique and permanent number, and that number must never change or be used again at the MSWLF. The types of groundwater monitoring points shall be identified as follows:

1. Monitoring wells by "MW# (Insert unique and permanent number)".
2. Piezometers by "PZ# (Insert unique and permanent number)".
3. Groundwater underdrain systems by "GU# (Insert unique and permanent number)".

(4) Monitoring well construction shall be performed by a certified well contractor (pursuant to 567—Chapter 82) and shall comply with the following requirements:

1. In all phases of drilling, well installation and completion, the methods and materials used shall not introduce substances or contaminants that may alter the results of water quality analyses.
2. Drilling equipment that comes into contact with contaminants in the borehole or aboveground shall be thoroughly cleaned to avoid spreading contamination to other depths or locations. Contaminated materials or leachate from wells must not be discharged onto the ground surface or into waters of the state so as to cause harm in the process of drilling or well development.
3. The owner or operator must ensure that, at a minimum, the well design and construction log information is maintained in the facility's permanent record using DNR Form 542-1277 and that a copy is sent to the department.

(5) Monitoring well casings shall comply with the following requirements:

1. The diameter of the inner well casing (see Figure 1) of a monitoring well shall be at least 2 inches.
2. Plastic-cased wells shall be constructed of materials with threaded and nonglued joints that do not allow water infiltration under the local subsurface pressure conditions and when the well is evacuated for sampling.
3. Well casing shall provide sufficient structural stability so that a borehole or well collapse does not occur. Flush joint casing is required for small diameter wells installed through hollow stem augers.

(6) Monitoring well screens shall comply with the following requirements:

1. Slot size shall be based on sieve analysis of the sand and gravel stratum or filter pack. The slot size must keep out at least 90 percent of the filter pack.
2. Slot configuration and open area must permit effective development of the well.
3. The screen shall be no longer than 10 feet in length, except for water table wells, in which case the screen shall be of sufficient length to accommodate normal seasonal fluctuations of the water table. The screen shall be placed 5 feet above and below the observed water table, unless local conditions are known to produce greater fluctuations. Screen length for piezometers shall be 2 feet or less. Multiple-screened, single-cased wells are prohibited.

(7) Monitoring well filter packs shall comply with the following requirements:

1. The filter pack shall extend at least 18 inches above and 12 inches below the well screen.
2. The size of the filter pack material shall be based on sieve analysis when sand and gravel are screened. The filter pack material must be 2.5 to 3 times larger than the 50 percent grain size of the zone being monitored.
3. In stratum that is neither sand nor gravel, the size of the filter pack material shall be selected based on the particle size of the zone being monitored.

(8) Monitoring well annular space shall comply with the following requirements:

1. Grouting materials must be installed from the top of the filter pack up in one continuous operation with a tremie tube.
2. The annular space between the filter pack and the frostline must be backfilled with bentonite grout.
3. The remaining annular space between the protective casing and the monitoring well casing must be sealed with bentonite grout from the frostline to the ground surface.

(9) Monitoring well heads shall be protected as follows:

1. Monitoring wells shall have a protective metal casing installed around the upper portion of the monitoring well casing as follows:

- The inside diameter of the protective metal casing shall be at least 2 inches larger than the outer diameter of the monitoring well casing.
- The protective metal casing shall extend from a minimum of 1 foot below the frostline to slightly above the well casing top; however, the protective casing shall be shortened if such a depth would cover a portion of the well screen.
- The protective casing shall be sealed and immobilized with a concrete plug around the outside. The bottom of the concrete plug must extend at least 1 foot below the frostline; however, the concrete plug shall be shortened if such a depth would cover a portion of the well screen. The top of the concrete plug shall extend at least 3 inches above the ground surface and slope away from the well. Soil may be placed above the plug and shall be at least 6 inches below the cap to improve runoff.
- The inside of the protective casing shall be sealed with bentonite grout from the frostline to the ground surface.
- A vented cap shall be placed on the monitoring well casing.
- A vented, locking cap shall be placed on the protective metal casing. The cap must be kept locked when the well is not being sampled.

2. All monitoring wells shall have a ring of brightly colored protective posts or other protective barriers to help prevent accidental damage.

3. All monitoring wells shall have a sign or permanent marking clearly identifying the permanent monitoring well number (MW#).

4. Run-on shall be directed away from all monitoring wells.

(10) Well development is required prior to the use of the monitoring well for water quality monitoring purposes. Well development must loosen and remove fines from the well screen and gravel pack. Any water utilized to stimulate well development must be of sufficient quality that future samples are not contaminated. Any gases utilized in well development must be inert gases that will not contaminate future samples. Following development, the well shall be pumped until the water does not contain significant amounts of suspended solids.

d. Groundwater monitoring points that are no longer functional must be sealed. Groundwater monitoring points that are to be sealed and are in a future waste disposal area shall be reviewed to determine if the method utilized to seal the monitoring point needs to be more protective than the following requirements. All abandoned groundwater-monitoring points (e.g., boreholes, monitoring wells, and piezometers) shall be sealed by a well contractor certified pursuant to 567—Chapter 82 and in accordance with the following requirements.

(1) The following information shall be placed in the operating record and a copy sent to the department:

1. The unique, permanent monitoring point number.
2. The reasons for abandoning the monitoring point.
3. The date and time the monitoring point was sealed.
4. The method utilized to remove monitoring point materials.
5. The method utilized to seal the monitoring point.
6. Department Form 542-1226 for Water Well Abandonment Plugging Record.

(2) The monitoring point materials (e.g., protective casing, casing, screen) shall be removed. If drilling is utilized to remove the materials, then the drilling shall be to the maximum depth of the previously drilled monitoring point. All drilling debris shall be cleaned from the interior of the borehole.

(3) The cleared borehole shall be sealed with impermeable bentonite grout via a tremie tube. The end of the tremie tube shall be submerged in the grout while filling from the bottom of the borehole to the top of the ground surface. Uncontaminated water shall be added from the surface as needed to aid grout expansion.

(4) After 24 hours, the bentonite grout shall be retopped if it has settled below the ground surface.

e. Hydrologic monitoring system plan (HMSP). Unless otherwise approved by the department in writing, the number, spacing, and depth of groundwater monitoring points shall be:

(1) Determined based upon site-specific technical information, including but not limited to the soil and hydrogeologic investigation pursuant to subrule 113.6(3) and the site exploration and characterization report pursuant to subrule 113.6(4), that must include thorough characterization of:

1. Aquifer thickness, groundwater flow rate, and groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and

2. Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to: thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities; and

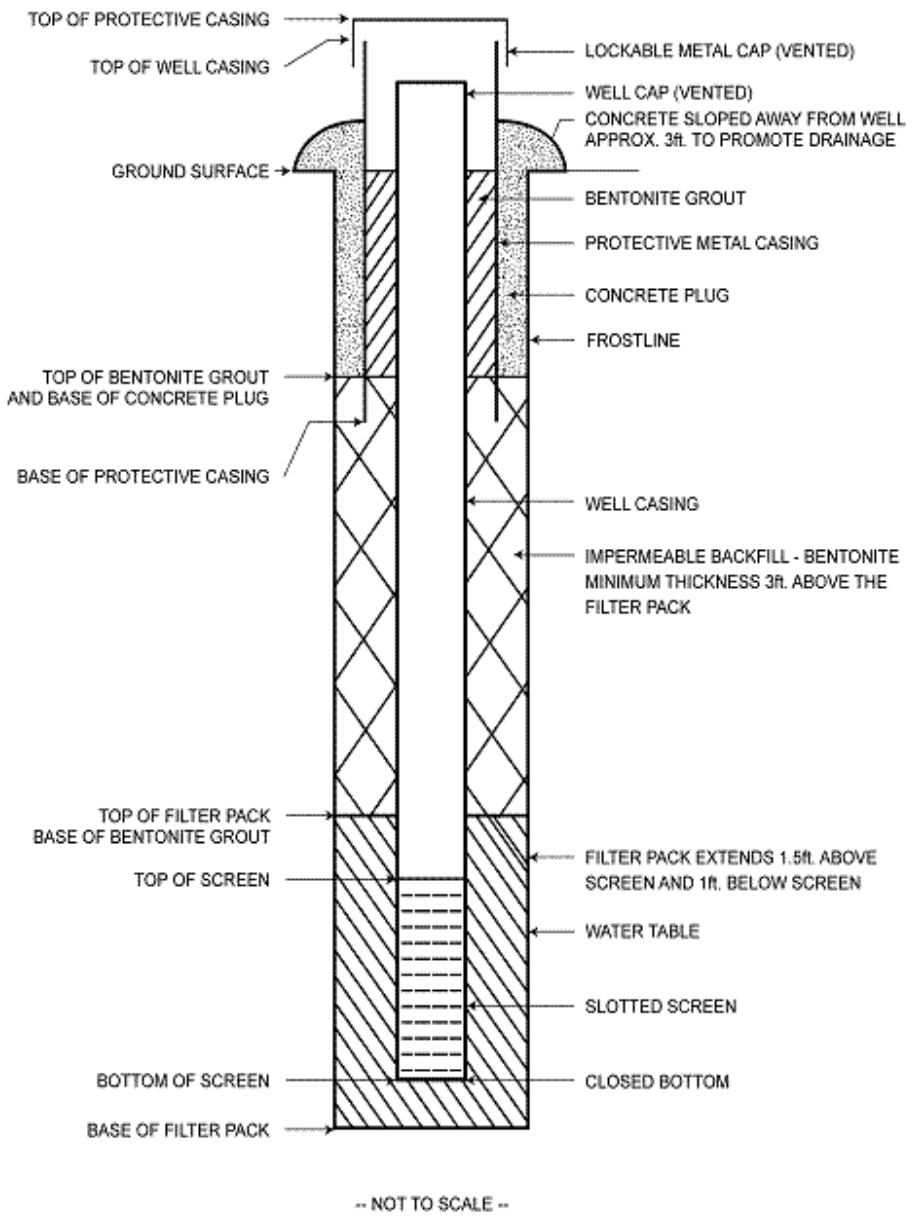
3. Projected paths and rates of movement of contaminants found in leachate pursuant to subparagraph 113.6(3)*"e"*(6).

(2) Designed and constructed with a maximum of 300 feet between downgradient groundwater monitoring wells, unless it is demonstrated by site-specific analysis or modeling that an alternative well spacing is justified. The convergence of groundwater paths to minimize the overall length of the downgradient dimension may be taken into consideration in the placement of downgradient monitoring wells provided that the groundwater monitoring system meets the requirements of paragraphs 113.10(2)*"a,"* 113.10(2)*"c,"* 113.10(2)*"d,"* and 113.10(2)*"e."*

(3) Certified by a qualified groundwater scientist, as defined in paragraph 113.10(1)*"d,"* and approved by the department. Within 14 days of this certification and approval by the department, the owner or operator must notify the department that the certification has been placed in the operating record.

Figure 1

Typical Monitoring Well Cross Section



f. Monitoring well maintenance and performance reevaluation plan. A monitoring well maintenance and performance reevaluation plan shall be included as part of the hydrologic monitoring system plan. The plan shall ensure that all monitoring points remain reliable. The plan shall provide for the following:

(1) A biennial examination of high and low water levels accompanied by a discussion of the acceptability of well location (vertically and horizontally) and exposure of the screened interval to the atmosphere.

(2) A biennial evaluation of water level conditions in the monitoring wells to ensure that the effects of waste disposal or well operation have not resulted in changes in the hydrologic setting and resultant flow paths.

(3) Measurements of well depths to ensure that wells are physically intact and not filling with sediment. Measurements shall be taken annually in wells which do not contain dedicated sampling pumps and every five years in wells containing dedicated sampling pumps.

(4) A biennial evaluation of well recharge rates and chemistry to determine if well deterioration is occurring.

113.10(3) *Surface water monitoring systems.* The department may require an MSWLF facility to implement a surface water monitoring program if there is reason to believe that a surface water of the state has been impacted as a result of facility operations (i.e., leachate seeps, sediment pond discharge) or a groundwater SSI over background has occurred.

a. A surface water monitoring program must be developed that consists of a sufficient number of monitoring points, designated at appropriate locations, to yield surface water samples that:

(1) Provide a representative sample of the upstream quality of a surface water of the state if the surface water being monitored is a flowing body of water.

(2) Provide a representative sample of the downstream quality of a surface water of the state if the surface water being monitored is a flowing body of water.

b. Surface water levels must be measured at a frequency specified in the facility's permit, within 1/10 of a foot at each surface water monitoring point immediately prior to sampling, each time surface water is sampled. The owner or operator must determine the rate and direction of surface water flow, if any, each time surface water is sampled. Surface water level and flow measurements for the same surface water of the state must be measured on the same day to avoid temporal variations that could preclude accurate determination of surface water flow and direction.

c. The owner or operator must notify and receive approval from the department for the designation or decommission of any surface water monitoring point, and must place that approval in the operating record.

d. The surface water monitoring points shall be designated to maintain sampling at that monitoring point throughout the life of the surface water monitoring program.

e. Each surface water monitoring point must have a unique and permanent number, and that number must never change or be used again at the MSWLF. Surface water monitoring points shall be identified by "SW# (Insert unique and permanent number)".

f. The number, spacing, and location of the surface water monitoring points shall be determined based upon site-specific technical information, including:

(1) Water level, including seasonal and temporal fluctuations in water level; and

(2) Flow rate and flow direction, including seasonal and temporal fluctuations in flow.

g. The MSWLF may discontinue the surface water monitoring program if monitoring data indicates that facility operations are not impacting surface water.

113.10(4) *Groundwater sampling and analysis requirements.*

a. The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells installed in compliance with subrule 113.10(2). The groundwater monitoring program shall utilize a laboratory certified by the department. The owner or operator must notify the department that the sampling and analysis program documentation has been placed in the operating record, and the program must include procedures and techniques for:

(1) Sample collection;

(2) Sample preservation and shipment;

(3) Analytical procedures;

(4) Chain of custody control; and

(5) Quality assurance and quality control.

b. The groundwater monitoring programs must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. Groundwater samples shall not be field-filtered prior to laboratory analysis.

c. The sampling procedures and frequency must be protective of human health and the environment, and consistent with subrule 113.10(5).

d. Groundwater elevations must be measured at a frequency specified in the facility's permit, within 1/100 of a foot in each well immediately prior to purging, each time groundwater is sampled. The owner or operator must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same waste management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.

e. The owner or operator must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the monitoring parameters or constituents required in the particular groundwater monitoring program that applies to the MSWLF unit, as determined under paragraph 113.10(5)*"a"* or 113.10(6)*"a."* Background groundwater quality may be established at wells that are not located hydraulically upgradient from the MSWLF unit if the wells meet the requirements of subparagraph 113.10(2)*"a"*(1).

f. The number of samples collected to establish groundwater quality data must be consistent with the appropriate statistical procedures determined pursuant to paragraph 113.10(4)*"g."* The sampling procedures shall be those specified under paragraphs 113.10(5)*"b"* for detection monitoring, 113.10(6)*"b"* and 113.10(6)*"d"* for assessment monitoring, and 113.10(7)*"b"* for corrective action.

g. The owner or operator must specify in the operating record which of the following statistical methods will be used in evaluating groundwater monitoring data for each hazardous constituent. The statistical test chosen shall be conducted separately for each hazardous constituent in each well.

(1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(4) A control chart approach that gives control limits for each constituent.

(5) Another statistical test method that meets the performance standards of paragraph 113.10(4)*"h."* The owner or operator must place a justification for this alternative in the operating record and notify the department of the use of this alternative test. The justification must demonstrate that the alternative method meets the performance standards of paragraph 113.10(4)*"h."*

h. The statistical method required pursuant to paragraph 113.10(4)*"g"* shall comply with the following performance standards:

(1) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data shall be transformed or a distribution-free theory test shall be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level not less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period shall be not less than 0.05; however, the Type I error level of not less than 0.01 for individual well comparisons must be maintained.

(3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be protective of human health and the

environment. The parameters shall be determined after the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern have been considered.

(4) If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be protective of human health and the environment. These parameters shall be determined after the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern have been considered.

(5) The statistical method shall account for data below the limit of detection (LD) by recording such data at one-half the limit of detection (i.e., LD/2) or as prescribed by the statistical method. Any practical quantitation limit (pql) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(6) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

i. The owner or operator must determine whether or not there is an SSI over background values for each parameter or constituent required in the particular groundwater monitoring program that applies to the MSWLF unit, as determined under paragraph 113.10(5)*"a"* or 113.10(6)*"a."*

(1) In determining whether an SSI has occurred, the owner or operator must compare the groundwater quality of each parameter or constituent at each monitoring well designated pursuant to subrule 113.10(2) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs 113.10(4)*"g"* and 113.10(4)*"h."*

(2) Within 45 days after completing sampling and analysis, the owner or operator must determine whether there has been an SSI over background at each monitoring well.

113.10(5) *Detection monitoring program.*

a. Detection monitoring is required at MSWLF units at all groundwater monitoring wells defined under subrule 113.10(2). At a minimum, a detection monitoring program must include the monitoring for the constituents listed in Appendix I and any additional parameters required by the department on a site-specific basis. An alternative list of constituents may be used if it can be demonstrated that the constituents removed are not reasonably expected to be in or derived from the waste contained in the unit and if the alternative list of constituents is expected to provide a reliable indication of leachate leakage or gas impact from the MSWLF unit.

(1) The department may establish an alternative list of inorganic indicator parameters for an MSWLF unit within Appendix I, in lieu of some or all of the heavy metals (constituents 1 to 15 in Appendix I), if the alternative parameters provide a reliable indication of inorganic releases from the MSWLF unit to the groundwater. In determining alternative parameters, the department shall consider the following factors:

1. The types, quantities and concentrations of constituents in wastes managed at the MSWLF unit;

2. The mobility, stability and persistence of waste constituents or their reaction products in the unsaturated zone beneath the MSWLF unit;

3. The detectability of indicator parameters, waste constituents and reaction products in the groundwater; and

4. The concentration or values and coefficients of variation of monitoring parameters or constituents in the groundwater background.

(2) Reserved.

b. The monitoring frequency for all constituents listed in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1) shall be at least semiannual (i.e., every six months) during the active life of the facility (including closure) and the postclosure period. Where insufficient background data exist, a minimum of five independent samples from each well, collected at intervals to account for seasonal and temporal variation, must be analyzed for the constituents in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1) during the first year. At least one sample from each well must be collected and analyzed during subsequent

semiannual sampling events. The department may specify an appropriate alternative frequency for repeated sampling and analysis for constituents in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1) during the active life (including closure) and the postclosure care period. The alternative frequency during the active life (including closure) shall be not less than annually. The alternative frequency shall be based on consideration of the following factors:

(1) Lithology of the aquifer and unsaturated zone;

(2) Hydraulic conductivity of the aquifer and unsaturated zone;

(3) Groundwater flow rates;

(4) Minimum distance between upgradient edge of the MSWLF unit and downgradient monitoring well screen (minimum distance of travel); and

(5) Resource value of the aquifer.

c. If the owner or operator determines, pursuant to paragraph 113.10(4)*"i,"* that there is an SSI over background for one or more of the constituents listed in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1) at any monitoring well specified under subrule 113.10(2), then the owner or operator:

(1) Must, within 14 days of this finding, place a notice in the operating record indicating which constituents have shown statistically significant changes from background levels, and notify the department that this notice was placed in the operating record.

(2) Must establish within 90 days an assessment monitoring program meeting the requirements of subrule 113.10(6) except as provided in subparagraph 113.10(5)*"c"*(3).

(3) The owner or operator may demonstrate that a source other than an MSWLF unit caused the contamination or that the SSI resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. A report documenting this demonstration must be certified by a qualified groundwater scientist, approved by the department, and placed in the operating record. If resampling is a part of the demonstration, resampling procedures shall be specified prior to initial sampling. If a successful demonstration to the department is made and documented, the owner or operator may continue detection monitoring as specified in subrule 113.10(5). If, after 90 days, a successful demonstration is not made, the owner or operator must initiate an assessment monitoring program as required in subrule 113.10(6).

113.10(6) *Assessment monitoring program.*

a. Assessment monitoring is required whenever an SSI over background has been confirmed pursuant to paragraph 113.10(5)*"c"* to be the result of a release from the facility.

b. Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator must sample and analyze the groundwater for all constituents identified in Appendix II. A minimum of one sample from each downgradient well shall be collected and analyzed during each sampling event. For any constituent detected in the downgradient wells as a result of the complete Appendix II analysis, a minimum of four independent samples from each well must be collected and analyzed to establish background for the constituents. The department may specify an appropriate subset of wells to be sampled and analyzed for Appendix II constituents during assessment monitoring. The department may delete any of the Appendix II monitoring parameters for an MSWLF unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit.

c. The department may specify an appropriate alternate frequency for repeated sampling and analysis for the full set of Appendix II constituents required by paragraph 113.10(6)*"b"* during the active life (including closure) and postclosure care period of the unit. The following factors shall be considered:

(1) Lithology of the aquifer and unsaturated zone;

(2) Hydraulic conductivity of the aquifer and unsaturated zone;

(3) Groundwater flow rates;

(4) Minimum distance between upgradient edge of the MSWLF unit and downgradient monitoring well screen (minimum distance of travel);

(5) Resource value of the aquifer; and

(6) Nature (fate and transport) of any constituents detected in response to this paragraph.

d. After obtaining the results from the initial or subsequent sampling events required in paragraph 113.10(6)*"b,"* the owner or operator must:

(1) Within 14 days, place a notice in the operating record identifying the Appendix II constituents that have been detected and notify the department that this notice has been placed in the operating record;

(2) Within 90 days, and on at least a semiannual basis thereafter, resample all wells specified by subrule 113.10(2) and conduct analyses for all constituents in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1), and for those constituents in Appendix II that are detected in response to the requirements of paragraph 113.10(6)*"b."* Concentrations shall be recorded in the facility operating record. At least one sample from each well must be collected and analyzed during these sampling events. The department may specify an alternative monitoring frequency during the active life (including closure) and the postclosure period for the constituents referred to in this subparagraph. The alternative frequency for constituents in Appendix I or in the alternative list approved in accordance with subparagraph 113.10(5)*"a"*(1) during the active life (including closure) shall be no less than annual. The alternative frequency shall be based on consideration of the factors specified in paragraph 113.10(6)*"c"*;

(3) Establish background concentrations for any constituents detected pursuant to paragraph 113.10(6)*"b"* or subparagraph 113.10(6)*"d"*(2); and

(4) Establish groundwater protection standards for all constituents detected pursuant to paragraph 113.10(6)*"b"* or 113.10(6)*"d."* The groundwater protection standards shall be established in accordance with paragraph 113.10(6)*"h"* or 113.10(6)*"i."*

e. If the concentrations of all Appendix II constituents are shown to be at or below background values, using the statistical procedures in paragraph 113.10(4)*"g"* for two consecutive sampling events, the owner or operator must notify the department of this finding and may return to detection monitoring.

f. If the concentrations of any Appendix II constituents are above background values, but all concentrations are below the groundwater protection standard established under paragraph 113.10(6)*"h"* or 113.10(6)*"i,"* using the statistical procedures in paragraph 113.10(4)*"g,"* the owner or operator must continue assessment monitoring in accordance with this subrule.

g. If one or more Appendix II constituents are detected at statistically significant levels above the groundwater protection standard established under paragraph 113.10(6)*"h"* or 113.10(6)*"i"* in any sampling event, the owner or operator must, within 14 days of this finding, place a notice in the operating record identifying the Appendix II constituents that have exceeded the groundwater protection standard and notify the department and all other appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:

(1) Must, within 90 days of this finding, comply with the following requirements or the requirements in subparagraph 113.10(6)*"g"*(2):

1. Characterize the nature and extent of the release by installing additional monitoring wells as necessary until the horizontal and vertical dimensions of the plume have been defined to background concentrations;

2. Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with subparagraph 113.10(6)*"g"*(2);

3. Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off site when indicated by sampling of wells in accordance with subparagraph 113.10(6)*"g"*(1); and

4. Initiate an assessment of corrective measures as required by subrule 113.10(7).

(2) May demonstrate that a source other than an MSWLF unit caused the contamination, or that the SSI resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. A report documenting this demonstration must be certified by a qualified groundwater scientist, approved by the department, and placed in the operating record. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to subrule 113.10(6), and may return to detection monitoring if the Appendix II constituents are at or below background as specified in paragraph 113.10(6)*"e."* Until a successful demonstration

is made, the owner or operator must comply with paragraph 113.10(6)*"g"* including initiating an assessment of corrective measures.

h. The owner or operator must establish a groundwater protection standard for each Appendix II constituent detected in the groundwater. The groundwater protection standard shall be:

(1) For constituents for which a maximum contaminant level (MCL) has been promulgated under Section 1412 of the Safe Drinking Water Act (codified) under 40 CFR Part 141, the MCL for that constituent;

(2) For constituents for which MCLs have not been promulgated, the background concentration for the constituent established from wells in accordance with subrule 113.10(2); or

(3) For constituents for which the background concentration is higher than the MCL identified under subparagraph 113.10(6)*"h"*(1) or health-based concentrations identified under paragraph 113.10(6)*"i,"* the background concentration.

i. The department may establish an alternative groundwater protection standard for constituents for which MCLs have not been established. These groundwater protection standards shall be appropriate health-based concentrations that comply with the statewide standards for groundwater established pursuant to 567—Chapter 137.

j. In establishing alternative groundwater protection standards under paragraph 113.10(6)*"i,"* the department may consider the following:

(1) The policies set forth by the Groundwater Protection Act;

(2) Multiple contaminants in the groundwater with the assumption that the effects are additive regarding detrimental effects to human health and the environment;

(3) Exposure threats to sensitive environmental receptors; and

(4) Other site-specific exposure or potential exposure to groundwater.

113.10(7) *Assessment of corrective measures.*

a. Within 90 days of finding that any of the constituents listed in Appendix II have been detected at a statistically significant level exceeding the groundwater protection standards defined under paragraph 113.10(6)*"h"* or 113.10(6)*"i,"* the owner or operator must initiate an assessment of corrective measures. Such an assessment must be completed and submitted to the department for review and approval within 180 days of the initial finding unless otherwise authorized or required by the department.

b. The owner or operator must continue to monitor in accordance with the assessment monitoring program as specified in subrule 113.10(6).

c. The assessment shall include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under subrule 113.10(8), addressing at least the following:

(1) The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

(2) The time required to begin and complete the remedy;

(3) The costs of remedy implementation; and

(4) The institutional requirements such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(ies).

d. Within 60 days of approval from the department of the assessment of corrective measures, the owner or operator must discuss the results of the corrective measures assessment, prior to the selection of a remedy, in a public meeting with interested and affected parties. The department may establish an alternative schedule for completing the public meeting requirement. Notice of public meeting shall be sent to all owners and occupiers of property adjacent to the permitted boundary of the facility, the department, and the department field office with jurisdiction over the facility. A copy of the minutes of this public meeting and the list of community concerns must be placed in the operating record and submitted to the department.

113.10(8) *Selection of remedy.*

a. Based on the results of the corrective measures assessment conducted under subrule 113.10(7), the owner or operator must select a remedy within 60 days of holding the public meeting that, at a

minimum, meets the standards listed in paragraph 113.10(8)*"b."* The department may establish an alternative schedule for selecting a remedy after holding the public meeting. The owner or operator must submit a report to the department, within 14 days of selecting a remedy, describing the selected remedy, stating that the report has been placed in the operating record, and explaining how the selected remedy meets the standards in paragraph 113.10(8)*"b."*

b. Remedies must:

(1) Be protective of human health and the environment;

(2) Attain the groundwater protection standards specified pursuant to paragraph 113.10(6)*"h"* or 113.10(6)*"i"*;

(3) Control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of Appendix II constituents into the environment that may pose a threat to human health or the environment; and

(4) Comply with standards for management of wastes as specified in paragraph 113.10(9)*"d."*

c. In selecting a remedy that meets the standards of paragraph 113.10(8)*"b,"* the owner or operator shall consider the following evaluation factors:

(1) The long-term and short-term effectiveness and protectiveness of the potential remedy(ies), along with the degree of certainty that the remedy will prove successful based on consideration of the following:

1. Magnitude of reduction of existing risks;
2. Magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of a remedy;
3. The type and degree of long-term management required, including monitoring, operation, and maintenance;
4. Short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, redisposal, or containment;
5. Time period until full protection is achieved;
6. Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal, or containment;
7. Long-term reliability of the engineering and institutional controls; and
8. Potential need for replacement of the remedy.

(2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:

1. The extent to which containment practices will reduce further releases; and
2. The extent to which treatment technologies may be used.

(3) The ease or difficulty of implementing a potential remedy(ies) based on consideration of the following factors:

1. Degree of difficulty associated with constructing the technology;
2. Expected operational reliability of the technology;
3. Need to coordinate with and obtain necessary approvals and permits from other agencies;
4. Availability of necessary equipment and specialists; and
5. Available capacity and location of needed treatment, storage, and disposal services.

(4) Practicable capability of the owner or operator, including a consideration of technical and economic capabilities.

(5) The degree to which community concerns, including but not limited to the concerns identified at the public meeting required pursuant to paragraph 113.10(7)*"d,"* are addressed by a potential remedy(ies).

d. The owner or operator shall specify as part of the selected remedy a schedule(s) for initiating and completing remedial activities. Such a schedule must require the initiation of remedial activities within a reasonable period of time taking into consideration the factors set forth in subparagraphs 113.10(8)*"d"*(1)

to (8). The owner or operator must consider the following factors in determining the schedule of remedial activities:

(1) Extent and nature of contamination;

(2) Practical capabilities of remedial technologies in achieving compliance with groundwater protection standards established under paragraph 113.10(6)*"h"* or 113.10(6)*"i"* and other objectives of the remedy;

(3) Availability of treatment or disposal capacity for wastes managed during implementation of the remedy;

(4) Desirability of utilizing alternative or experimental technologies that are not widely available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives;

(5) Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;

(6) Resource value of the aquifer including:

1. Current and future uses;
2. Proximity and withdrawal rate of users;
3. Groundwater quantity and quality;
4. The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
5. The hydrogeologic characteristics of the facility and surrounding land;
6. Groundwater removal and treatment costs; and
7. The cost and availability of alternative water supplies;

(7) Practicable capability of the owner or operator; and

(8) Other relevant factors.

113.10(9) *Implementation of the corrective action plan.*

a. Based on the schedule established under paragraph 113.10(8)*"d"* for initiation and completion of remedial activities, the owner or operator must:

(1) Establish and implement a corrective action groundwater monitoring program that:

1. At a minimum, meets the requirements of an assessment monitoring program under subrule 113.10(6);
2. Indicates the effectiveness of the corrective action remedy; and
3. Demonstrates compliance with groundwater protection standards pursuant to paragraph 113.10(9)*"e"*;

(2) Implement the corrective action remedy selected under subrule 113.10(8); and

(3) Take any interim measures necessary to ensure the protection of human health and the environment. Interim measures should, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to subrule 113.10(8). The following factors must be considered by an owner or operator in determining whether interim measures are necessary:

1. Time period required to develop and implement a final remedy;
2. Actual or potential exposure of nearby populations or environmental receptors to hazardous constituents;
3. Actual or potential contamination of drinking water supplies or sensitive ecosystems;
4. Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;
5. Weather conditions that may cause hazardous constituents to migrate or be released;
6. Risk of fire or explosion, or potential for exposure to hazardous constituents as a result of an accident or the failure of a container or handling system; and
7. Other factors that may pose threats to human health and the environment.

b. An owner or operator may determine, based on information developed after implementation of the remedy has begun or other information, that compliance with the requirements of paragraph 113.10(8)*"b"* is not being achieved through the remedy selected. In such cases, the owner or operator

must notify the department and implement other methods or techniques that could practicably achieve compliance with the requirements, unless the owner or operator makes the determination under paragraph 113.10(9)*"c."* The notification shall explain how the proposed alternative methods or techniques will meet the standards in paragraph 113.10(8)*"b,"* or the notification shall indicate that the determination was made pursuant to paragraph 113.10(9)*"c."* The notification shall also specify a schedule(s) for implementing and completing the remedial activities to comply with paragraph 113.10(8)*"b"* or the alternative measures to comply with paragraph 113.10(9)*"c."* Within 90 days of approval by the department for the proposed alternative methods or techniques or the determination of impracticability, the owner or operator shall implement the proposed alternative methods or techniques meeting the standards of paragraph 113.10(8)*"b"* or implement alternative measures meeting the requirements of subparagraphs 113.10(9)*"c"*(2) and (3).

c. If the owner or operator determines that compliance with requirements under paragraph 113.10(8)*"b"* cannot be practicably achieved with any currently available methods, the owner or operator must:

(1) Obtain certification of a qualified groundwater scientist and approval by the department that compliance with requirements under paragraph 113.10(8)*"b"* cannot be practicably achieved with any currently available methods;

(2) Implement alternate measures to control exposure of humans or the environment to residual contamination, as necessary to protect human health and the environment;

(3) Implement alternate measures for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures that are:

1. Technically practicable; and

2. Consistent with the overall objective of the remedy; and

(4) Notify the department within 14 days that a report justifying the alternate measures prior to implementation has been placed in the operating record.

d. All solid wastes that are managed pursuant to a remedy required under subrule 113.10(8), or an interim measure required under subparagraph 113.10(9)*"a"*(3), shall be managed in a manner:

(1) That is protective of human health and the environment; and

(2) That complies with applicable RCRA, state and local requirements.

e. Remedies selected pursuant to subrule 113.10(8) shall be considered complete when:

(1) The owner or operator complies with the groundwater protection standards established under paragraph 113.10(6)*"h"* or 113.10(6)*"i"* at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under subrule 113.10(2).

(2) Compliance with the groundwater protection standards established under paragraph 113.10(6)*"h"* or 113.10(6)*"i"* has been achieved by demonstrating that concentrations of Appendix II constituents have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in paragraphs 113.10(4)*"g"* and 113.10(4)*"h."* The department may specify an alternative length of time during which the owner or operator must demonstrate that concentrations of Appendix II constituents have not exceeded the groundwater protection standard(s), taking into consideration:

1. The extent and concentration of the release(s);

2. The behavior characteristics of the hazardous constituents in the groundwater;

3. The accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variables that may affect accuracy; and

4. The characteristics of the groundwater.

(3) All actions required by the department to complete the remedy have been satisfied.

f. Upon completion of the remedy, the owner or operator must notify the department within 14 days that a certification has been placed in the operating record verifying that the remedy has been completed in compliance with the requirements of paragraph 113.10(9)*"e."* The certification must be signed by the owner or operator and by a qualified groundwater scientist and approved by the department.

g. When, upon completion of the certification, the owner or operator determines that the corrective action remedy has been completed in accordance with the requirements under paragraph 113.10(9)*"e,"*

the owner or operator shall be released from the requirements for financial assurance for corrective action pursuant to subrule 113.14(5).

113.10(10) *Annual water quality reports.* The owner or operator shall submit an annual report to the department detailing the water quality monitoring sampling locations and results, assessments, selection of remedies, implementation of corrective action, and the results of corrective action remedies to address SSIs, if any, during the previous year. This report shall include a site map that delineates all monitoring points where water quality samples were taken, and plumes of contamination, if any. The report shall contain a narrative explaining and interpreting all of the data collected during the previous year. The report shall be due each year on a date set by the department in the facility's permit.

567—113.11(455B,455D) Record-keeping and reporting requirements. The primary purpose of the record-keeping and reporting activities is to verify compliance with this chapter and to document the construction and operations of the facility. The department can set alternative schedules for record-keeping and notification requirements as specified in subrules 113.11(1) and 113.11(2), except for the notification requirements in paragraph 113.6(2)*"a"* and numbered paragraph 113.10(6)*"g"*(1)"3." All MSWLFs shall comply with the following record-keeping and reporting requirements.

113.11(1) *Record keeping.* The owner or operator of an MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the department the following information as it becomes available:

a. Permit application, permit renewal and permit modification application materials pursuant to rule 113.5(455B);

b. The site exploration and characterization reports pursuant to subrule 113.6(4);

c. Design and construction plans and specifications, and related analyses and documents, pursuant to rule 113.7(455B). The QC&A final reports, and related analyses and documents, pursuant to paragraph 113.7(6)*"d"*;

d. Inspection records, training procedures, and notification procedures required in rule 113.8(455B);

e. Any MSWLF unit design documentation for placement of leachate or gas condensate in an MSWLF unit as required under numbered paragraphs 113.8(1)*"b"*(3)"2" and "3";

f. Gas monitoring results from monitoring and any remediation plans required by rule 113.9(455B);

g. Any demonstration, certification, finding, monitoring, testing, or analytical data required by rule 113.10(455B);

h. Closure and postclosure care plans and any monitoring, testing, or analytical data as required by rules 113.12(455B) and 113.13(455B); and

i. Any cost estimates and financial assurance documentation required by this chapter.

113.11(2) *Reporting requirements.* The owner or operator must notify the department when the documents required in subrule 113.11(1) have been placed in the operating record. All information contained in the operating record must be furnished upon request to the department and be made available at all reasonable times for inspection by the department.

567—113.12(455B) Closure criteria. All MSWLFs shall comply with the following closure requirements.

113.12(1) Owners or operators of all MSWLF units must install a final cover system that is designed to minimize infiltration and erosion. The final cover system must be designed and constructed to:

a. Have a permeability less than or equal to the permeability of any bottom liner system (for MSWLFs with some type of liner) or have a permeability no greater than 1×10^{-7} cm/sec, whichever is less;

b. Minimize infiltration through the closed MSWLF by the use of an infiltration layer that contains a minimum of 18 inches of compacted earthen material;

c. Minimize erosion of the final cover by the use of an erosion layer that contains a minimum of 24 inches of earthen material that is capable of sustaining native plant growth;

d. Have an infiltration layer and erosion layer that are a combined minimum of 42 inches of earthen material at all locations over the closed MSWLF unit; and

e. Have a slope between 5 percent and 25 percent. Steeper slopes may be used if it is demonstrated that a steeper slope is unlikely to adversely affect final cover system integrity.

113.12(2) The department may approve an alternative final cover design that includes:

a. An infiltration layer that achieves reduction in infiltration equivalent to the infiltration layer specified in paragraphs 113.12(1)*"a"* and 113.12(1)*"b"*; and

b. An erosion layer that provides protection from wind and water erosion equivalent to the erosion layer specified in paragraphs 113.12(1)*"c"* and 113.12(1)*"d."*

113.12(3) The owner or operator must prepare a written closure plan that describes the steps necessary to close all MSWLF units at any point during the active life in accordance with the cover design requirements in subrule 113.12(1) or 113.12(2), as applicable. The closure plan, at a minimum, must include the following information:

a. A description of the final cover including source, volume, and characteristics of cover material, designed in accordance with subrule 113.12(1) or 113.12(2) and the methods and procedures to be used to install the cover;

b. An estimate of the largest area of the MSWLF unit requiring a final cover, as required under subrule 113.12(1) or 113.12(2), at any time during the active life;_

c. An estimate of the maximum inventory of wastes on site over the active life of the landfill facility; and

d. A schedule for completing all activities necessary to satisfy the closure criteria in rule 113.12(455B).

113.12(4) The owner or operator must notify the department that the closure plan has been placed in the operating record no later than the initial receipt of waste in a new MSWLF unit.

113.12(5) At least 180 days prior to beginning closure of each MSWLF unit as specified in subrule 113.12(6), an owner or operator must notify the department of the intent to close the MSWLF unit, and that a notice of the intent to close the unit has been placed in the operating record. If the MSWLF facility will no longer be accepting MSW for disposal, then the owner or operator must also notify all local governments utilizing the facility and post a public notice of the intent to close and no longer to accept MSW.

113.12(6) The owner or operator must begin closure activities of each MSWLF unit:

a. No later than 30 days after the date on which the MSWLF unit receives the known final receipt of wastes; or

b. If the MSWLF unit has remaining capacity and there is a reasonable likelihood that the MSWLF unit will receive additional wastes, no later than one year after the most recent receipt of wastes. Extensions beyond the one-year deadline for beginning closure may be granted by the department if the owner or operator demonstrates that the MSWLF unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed MSWLF unit.

113.12(7) The owner or operator of all MSWLF units must complete closure activities of each MSWLF unit in accordance with the closure plan within 180 days following the beginning of closure as specified in subrule 113.12(6). Extensions of the closure period may be granted by the department if the owner or operator demonstrates that closure will, of necessity, take longer than 180 days and that the owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed MSWLF unit.

113.12(8) Following closure of each MSWLF unit, the owner or operator must submit to the department certification, signed by an independent professional engineer (P.E.) registered in Iowa, verifying that closure has been completed in accordance with the closure plan. Upon approval by the department, the certification shall be placed in the operating record.

113.12(9) Following closure of all MSWLF units, the owner or operator must record a notation on the deed to the landfill facility property, or some other instrument that is normally examined during title search in lieu of a deed notification, and notify the department that the notation has been recorded and

a copy has been placed in the operating record. The notation on the deed must in perpetuity notify any potential purchaser of the property that:

a. The land has been used as a landfill facility; and

b. Its use is restricted under paragraph 113.13(3)*"c."*

113.12(10) The owner or operator may request permission from the department to remove the notation from the deed if all wastes are removed from the facility.

567—113.13(455B) Postclosure care requirements. All MSWLFs shall comply with the following postclosure care requirements.

113.13(1) Following closure of each MSWLF unit, the owner or operator must conduct postclosure care. Postclosure care must be conducted for 30 years, except as provided under subrule 113.13(2), and consist of at least the following:

a. Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and runoff from eroding or otherwise damaging the final cover;

b. Maintaining and operating the leachate collection system in accordance with the requirements in paragraphs 113.7(5)*"b"* and 113.8(3)*"i,"* if applicable. The department may allow the owner or operator to stop managing leachate if the owner or operator demonstrates that leachate no longer poses a threat to human health and the environment;

c. Monitoring the groundwater in accordance with the requirements of rule 113.10(455B) and maintaining the groundwater monitoring system; and

d. Maintaining and operating the gas monitoring system in accordance with the requirements of rule 113.9(455B).

113.13(2) The length of the postclosure care period may be:

a. Decreased by the department if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this demonstration is approved by the department; or

b. Increased by the department if the department determines that the lengthened period is necessary to protect human health and the environment.

113.13(3) The owner or operator of all MSWLF units must prepare a written postclosure plan that includes, at a minimum, the following information:

a. A description of the monitoring and maintenance activities required in subrule 113.13(1) for each MSWLF unit, and the frequency at which these activities will be performed;

b. Name, address, and telephone number of the person or office to contact about the facility during the postclosure period; and

c. A description of the planned uses of the property during the postclosure period. Postclosure use of the property shall not disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this chapter. The department may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

113.13(4) The owner or operator must notify the department that a postclosure plan has been prepared and placed in the operating record by the date of initial receipt of waste.

113.13(5) Following completion of the postclosure care period for each MSWLF unit, the owner or operator must submit to the department a certification, signed by an independent professional engineer (P.E.) registered in Iowa, verifying that postclosure care has been completed in accordance with the postclosure plan. Upon department approval, the certification shall be placed in the operating record.

567—113.14(455B) Municipal solid waste landfill financial assurance.

113.14(1) *Purpose.* The purpose of this rule is to implement Iowa Code sections 455B.304(8) and 455B.306(8) by providing the criteria for establishing financial assurance for closure, postclosure care and corrective action at MSWLFs.

113.14(2) *Applicability.* The requirements of this rule apply to all owners and operators of MSWLFs except owners or operators that are state or federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States.

113.14(3) *Financial assurance for closure.* The owner or operator of an MSWLF must establish financial assurance for closure in accordance with the criteria in this rule. The owner or operator must provide continuous coverage for closure until released from this requirement by demonstrating compliance with rule 113.12(455B). Proof of compliance pursuant to paragraphs 113.14(3)*"a"* through 113.14(3)*"e"* must be submitted by the owner or operator yearly by April 1 and approved by the department.

a. The owner or operator shall submit the current version of department Form 542-8090, Municipal Solid Waste Sanitary Landfill Financial Assurance Report Form, which contains, but is not limited to, the amount of the financial assurance, the annual financial statement required by Iowa Code sections 455B.306(8)*"e"* and 455B.306(6)*"c,"* and the current balances of the closure and postclosure accounts at the time of submittal as required by Iowa Code section 455B.306(8)*"b."*

b. The owner or operator shall submit a copy of the financial assurance instruments or the documents establishing the financial assurance instruments in an amount equal to or greater than the amount specified in subrule 113.14(9). Documentation for the mechanism(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in paragraphs 113.14(6)*"a"* to 113.14(6)*"i."*

c. The owner or operator shall submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer, of the cost of hiring a third party to close the MSWLF in accordance with the closure plan as required by paragraph 103.5(1)*"i"* and rule 113.12(455B). Such estimate must be available at any time during the active life of the landfill.

(1) The cost estimate must equal the cost of closing the MSWLF at any time during the permitted life of the facility when the extent and manner of its operation would make closure the most expensive.

(2) The costs contained in the third-party estimate for closure must be accurate and reasonable when compared to the cost estimates used by other similarly situated landfills in Iowa.

(3) During the active life of the MSWLF, the owner or operator must annually adjust the closure cost estimate for inflation.

(4) The owner or operator must, annually or at the time of application for a permit amendment that increases closure costs, whichever occurs first, increase the closure cost estimate and the amount of financial assurance provided if changes to the closure plan or MSWLF conditions increase the maximum cost of closure at any time during the remaining active life of the facility.

(5) The owner or operator may reduce the amount of financial assurance for closure if the most recent estimate of the maximum cost of closure at any time during the active life of the facility is less than the amount of financial assurance currently provided. Prior to the reduction, the owner or operator must submit to the department the justification for the reduction of the closure cost estimate and the updated documentation required by paragraphs 113.14(3)*"a"* through 113.14(3)*"e"* and receive department approval for the reduction. Approval or denial shall be issued within 30 days of receipt of the reduction request.

(6) The third-party estimate submitted to the department must include the site area subject to closure and account for at least the following factors determined by the department to be minimal necessary costs for closure:

1. Closure and postclosure plan document revisions;
2. Site preparation, earthwork and final grading;
3. Drainage control culverts, piping and structures;
4. Erosion control structures, sediment ponds and terraces;
5. Final cap construction;

6. Cap vegetation soil placement;
7. Cap seeding, mulching and fertilizing;
8. Monitoring well, piezometer and gas control modifications;
9. Leachate system cleanout and extraction well modifications;
10. Monitoring well installations and abandonments;
11. Facility modifications to effect closed status;
12. Engineering and technical services;
13. Legal, financial and administrative services; and
14. Closure compliance certifications and documentation.

d. For publicly owned MSWLFs, the owner or operator shall submit to the department a copy of the owner's or operator's most recent annual audit report in the form prescribed by the office of the auditor of the state of Iowa.

e. Privately held MSWLFs shall submit an affidavit from the owner or operator indicating that a yearly review has been performed by a certified public accountant to determine whether the privately owned landfill is in compliance with this chapter. The affidavit shall state the name of the certified public accountant, the dates and conclusions of the review, and the steps taken to rectify any deficiencies identified by the accountant.

113.14(4) *Financial assurance for postclosure care.* The owner or operator of an MSWLF must establish financial assurance for the costs of postclosure care in accordance with the criteria in this chapter. The owner or operator must provide continuous coverage for postclosure care until released from this requirement by demonstrating compliance with the postclosure plan and the closure permit. Proof of compliance pursuant to paragraphs 113.14(4)*"a"* through 113.14(4)*"e"* must be submitted by the owner or operator yearly by April 1 and approved by the department.

a. The owner or operator shall submit the current version of department Form 542-8090, Municipal Solid Waste Sanitary Landfill Financial Assurance Report Form, which contains, but is not limited to, the amount of the financial assurance, the annual financial statement required by Iowa Code sections 455B.306(8)*"e"* and 455B.306(6)*"c,"* and the current balances of the closure and postclosure accounts required by Iowa Code section 455B.306(8)*"b."*

b. The owner or operator shall submit a copy of the documents establishing a financial assurance instrument in an amount equal to or greater than the amount specified in subrule 113.14(9). Documentation for the mechanism(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in paragraphs 113.14(6)*"a"* to 113.14(6)*"i."*

c. The owner or operator shall submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer, of the cost of hiring a third party to conduct postclosure care for the MSWLF in compliance with the postclosure plan developed pursuant to paragraph 113.5(1)*"i"* and rule 113.13(455B). The cost estimate must account for the total cost of conducting postclosure care, as described in the plan, for the entire postclosure care period.

(1) The cost estimate for postclosure care must be based on the most expensive costs of that care during the entire postclosure care period.

(2) The costs contained in the third-party estimate for postclosure care must be accurate and reasonable when compared to the cost estimates used by other similarly situated landfills in Iowa.

(3) During the active life of the MSWLF and during the postclosure care period, the owner or operator must annually adjust the postclosure cost estimate for inflation.

(4) The owner or operator must, annually or at the time of application for a permit amendment that increases postclosure costs, whichever occurs first, increase the estimate and the amount of financial assurance provided if changes in the postclosure plan or MSWLF conditions increase the maximum cost of postclosure care.

(5) The owner or operator may reduce the amount of financial assurance for postclosure care if the most recent estimate of the maximum cost of postclosure care beginning at any time during the active life of the facility is less than the amount of financial assurance currently provided. Prior to the reduction, the owner or operator must submit to the department the justification for the reduction of the postclosure cost estimate and the updated documentation required by paragraphs 113.14(4)*"a"* through 113.14(4)*"e"* and

must receive department approval for the reduction. Approval or denial shall be issued within 30 days of receipt of the reduction request.

(6) The third-party estimate submitted to the department must include the site area subject to postclosure care and account for at least the following factors determined by the department to be minimal necessary costs for postclosure care:

1. General site facilities, access roads and fencing maintenance;
2. Cap and vegetative cover maintenance;
3. Drainage and erosion control systems maintenance;
4. Groundwater to waste separation systems maintenance;
5. Gas control systems maintenance;
6. Gas control systems monitoring and reports;
7. Groundwater and surface water monitoring systems maintenance;
8. Groundwater and surface water quality monitoring and reports;
9. Groundwater monitoring systems performance evaluations and reports;
10. Leachate control systems maintenance;
11. Leachate management, transportation and disposal;
12. Leachate control systems performance evaluations and reports;
13. Engineering and technical services;
14. Legal, financial and administrative services; and
15. Financial assurance, accounting, audits and reports.

d. For publicly owned MSWLFs, the owner or operator shall submit to the department a copy of the owner's or operator's most recent annual audit report in the form prescribed by the office of the auditor of the state of Iowa.

e. Privately held MSWLFs shall submit an affidavit from the owner or operator indicating that a yearly review has been performed by a certified public accountant to determine whether the privately owned landfill is in compliance with this chapter. The affidavit shall state the name of the certified public accountant, the dates and conclusions of the review, and the steps taken to rectify any deficiencies identified by the accountant.

113.14(5) *Financial assurance for corrective action.*

a. An owner or operator required to undertake corrective action pursuant to rules 113.9(455B) and 113.10(455B) must have a detailed written estimate, in current dollars, prepared by an Iowa licensed professional engineer of the cost of hiring a third party to perform the required corrective action. The estimate must account for the total costs of the activities described in the approved corrective action plan for the entire corrective action period. The owner or operator must submit to the department the estimate and financial assurance documentation within 30 days of department approval of the corrective action plan.

(1) The owner or operator must annually adjust the estimate for inflation until the corrective action plan is completed.

(2) The owner or operator must increase the cost estimate and the amount of financial assurance provided if changes in the corrective action plan or MSWLF conditions increase the maximum cost of corrective action.

(3) The owner or operator may reduce the amount of the cost estimate and the amount of financial assurance provided if the estimate exceeds the maximum remaining costs of the remaining corrective action. The owner or operator must submit to the department the justification for the reduction of the cost estimate and documentation of financial assurance.

b. The owner or operator of an MSWLF required to undertake a corrective action plan must establish financial assurance for the most recent corrective action plan by one of the mechanisms prescribed in subrule 113.14(6). The owner or operator must provide continuous coverage for corrective action until released from financial assurance requirements by demonstrating compliance with the following:

(1) Upon completion of the remedy, the owner or operator must submit to the department a certification of compliance with the approved corrective action plan. The certification must be signed by the owner or operator and by a qualified groundwater scientist and approved by the department.

(2) Upon department approval of completion of the corrective action remedy, the owner or operator shall be released from the requirements for financial assurance for corrective action.

113.14(6) *Allowable financial assurance mechanisms.* The mechanisms used to demonstrate financial assurance as required by Iowa Code section 455B.306(8)*"a"* must ensure that the funds necessary to meet the costs of closure, postclosure care, and corrective action for known releases will be available whenever the funds are needed. Owners or operators must choose from options in paragraphs 113.14(6)*"a"* to 113.14(6)*"i."*

a. Trust fund.

(1) An owner or operator may demonstrate financial assurance for closure, postclosure, and corrective action, whichever is applicable, by establishing a trust fund which conforms to the requirements of this subrule. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A copy of the trust agreement must be submitted pursuant to subrules 113.14(3) and 113.14(4) and placed in the facility's official files.

(2) Payments into the trust fund must be made annually by the owner or operator over ten years or over the remaining life of the MSWLF, whichever is shorter, in the case of a trust fund for closure or postclosure care; or over one-half of the estimated length of the corrective action plan in the case of response to a known release. This period is referred to as the pay-in period.

(3) For a trust fund used to demonstrate financial assurance for closure and postclosure care, the first payment into the fund must be at least equal to the amount specified in subrule 113.14(9) for closure or postclosure care divided by the number of years in the pay-in period as defined in subparagraph 113.14(6)*"a"*(2).

The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{CE - CB}{Y}$$

where CE is the amount specified in 113.14(9) for closure or postclosure care (updated for inflation or other changes), CB is the current balance of the trust fund, and Y is the number of years remaining in the pay-in period.

(4) For a trust fund used to demonstrate financial assurance for corrective action, the first payment into the trust fund must be at least equal to one-half of the current cost estimate for corrective action divided by the number of years in the corrective action pay-in period as defined in subparagraph 113.14(6)*"a"*(2). The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{RB - CV}{Y}$$

where RB is the most recent estimate of the required trust fund balance for corrective action, which is the total cost that will be incurred during the second half of the corrective action period, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(5) The initial payment into the trust fund must be made before the initial receipt of waste or before the cancellation of an alternative financial assurance mechanism, in the case of closure and postclosure care; or no later than 120 days after the corrective action remedy has been approved by the department.

(6) The owner or operator, or other person authorized to conduct closure, postclosure care, or corrective action activities may request reimbursement from the trustee for these expenditures, including partial closure, as they are incurred. Requests for reimbursement will be granted by the trustee only if sufficient funds are remaining in the trust fund to cover the remaining costs of closure, postclosure care, or corrective action and if justification and documentation of the costs are placed in the operating

record. The owner or operator must submit to the department documentation of the justification for reimbursement and verification that reimbursement has been received.

(7) The trust fund may be terminated by the owner or operator only if the owner or operator substitutes alternative financial assurance as specified in this rule or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this chapter.

(8) After the pay-in period has been completed, the trust fund shall be adjusted annually to correct any deficiency of the fund with respect to the adjusted cost estimates and may be adjusted annually should the balance in the fund exceed the adjusted cost estimate.

b. Surety bond guaranteeing payment or performance.

(1) An owner or operator may demonstrate financial assurance for closure or postclosure care by obtaining a payment or performance surety bond which conforms to the requirements of this subrule. An owner or operator may demonstrate financial assurance for corrective action by obtaining a performance bond which conforms to the requirements of this subrule. The bond must be effective before the initial receipt of waste or before the cancellation of an alternative financial assurance mechanism, in the case of closure and postclosure care; or no later than 120 days after the corrective action remedy has been approved by the department. The owner or operator must submit a copy of the bond to the department and keep a copy in the facility's official files. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. The state shall not be considered a party to the surety bond.

(2) The penal sum of the bond must be in an amount at least equal to the amount specified in subrule 113.14(9) for closure and postclosure or corrective action, whichever is applicable.

(3) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond and also upon notice from the department pursuant to subparagraph 113.14(6)*"b"*(6).

(4) The owner or operator must establish a standby trust fund. The standby trust fund must meet the requirements of paragraph 113.14(6)*"a"* except the requirements for initial payment and subsequent annual payments specified in subparagraphs 113.14(6)*"a"*(2) through (5).

(5) Payments made under the terms of the bond will be deposited by the surety directly into the standby trust fund. Payments from the trust fund must be approved by the trustee and the department.

(6) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the department 120 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternative financial assurance, notice from the surety of withdrawal of the cancellation, or proof of a deposit into the standby trust of a sum equal to the amount of the bond. If the owner or operator has not complied with this subparagraph within the 60-day time period, this shall constitute a failure to perform and the department shall notify the surety, prior to the expiration of the 120-day notice period, that such a failure has occurred.

(7) The bond must be conditioned upon faithful performance by the owner or operator of all closure, postclosure, or corrective action requirements of the Code of Iowa and this chapter. A failure to comply with subparagraph 113.14(6)*"b"*(6) shall also constitute a failure to perform under the terms of the bond.

(8) Liability under the bond shall be for the duration of the operation, closure, and postclosure periods.

(9) The owner or operator may cancel the bond only if alternative financial assurance is substituted prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this chapter.

c. Letter of credit.

(1) An owner or operator may demonstrate financial assurance for closure, postclosure care, or corrective action, whichever is applicable, by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subrule. The letter of credit must be effective before the initial receipt of waste or before the cancellation of an alternative financial assurance mechanism, in the case of closure and postclosure care; or no later than 120 days after the corrective action plan is approved by the department. The owner or operator must submit to the department a copy of the letter of credit

and place a copy in the facility's official files. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(2) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the name and address of the facility, and the amount of funds assured, must be included with the letter of credit submitted to the department and placed in the facility's files.

(3) The letter of credit must be irrevocable and issued for a period of at least one year in an amount at least equal to the amount specified in subrule 113.14(9) for closure, postclosure care or corrective action, whichever is applicable. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the department 120 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternative financial assurance, notice of withdrawal of cancellation, or proof of a deposit of a sum equal to the amount of the letter of credit into the closure and postclosure accounts established pursuant to Iowa Code section 455B.306(8)*"b."* If the owner or operator has not complied with this subrule within the 60-day time period, the issuer of the letter of credit shall deposit a sum equal to the amount of the letter of credit into the closure and postclosure accounts established by the owner or operator pursuant to Iowa Code section 455B.306(8)*"b."* The provision of funds by the issuer of the letter of credit shall be considered an issuance of a loan to the owner or operator, and the terms of that loan shall be governed by the letter of credit or subsequent agreement between those parties. The state shall not be considered a party to this credit transaction.

(4) The owner or operator may cancel the letter of credit only if alternative financial assurance is substituted prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this chapter.

d. Insurance.

(1) An owner or operator may demonstrate financial assurance for closure, postclosure care, or corrective action by obtaining insurance which conforms to the requirements of this subrule. The insurance must be effective before the initial receipt of waste or prior to cancellation of an alternative financial assurance, in the case of closure and postclosure care; or no later than 120 days after the corrective action plan has been approved by the department. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states. The owner or operator must submit to the department a copy of the insurance policy and retain a copy in the facility's official files.

(2) The closure or postclosure care insurance policy must guarantee that funds will be available to close the MSWLF unit whenever final closure occurs or to provide postclosure care for the MSWLF unit whenever the postclosure care period begins, whichever is applicable. The policy must also guarantee that once closure or postclosure care begins, the insurer will be responsible for the paying out of funds to the owner or operator or other person authorized to conduct closure or postclosure care, up to an amount equal to the face amount of the policy.

(3) The insurance policy must be issued for a face amount at least equal to the amount specified in subrule 113.14(9) for closure, postclosure care, or corrective action, whichever is applicable. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

(4) An owner or operator, or any other person authorized to conduct closure or postclosure care, may receive reimbursements for closure or postclosure expenditures, including partial closure, whichever is applicable. Requests for reimbursement will be granted by the insurer only if the remaining value of the policy is sufficient to cover the remaining costs of closure or postclosure care, and if justification and documentation of the cost are placed in the operating record. The owner or operator must submit to the department documentation of the justification for reimbursement and verification that the reimbursement has been received.

(5) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided that such consent is not unreasonably refused.

(6) The insurance policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner and operator and to the department 120 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternative financial assurance, notice from the insurer of withdrawal of cancellation, or proof of a deposit of a sum equal to the amount of the insurance coverage into the closure and postclosure accounts established pursuant to Iowa Code section 455B.306(8)*"b."* If the owner or operator has not complied with this subrule within the 60-day time period, this shall constitute a failure to perform and shall be a covered event pursuant to the terms of the insurance policy. A failure by the owner or operator to comply with this subrule within the 60-day period shall make the insurer liable for the closure and postclosure care of the covered facility up to the amount of the policy limits, which shall be equal to the most recently submitted cost estimates.

(7) For insurance policies providing coverage for postclosure care, commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week treasury securities.

(8) The owner or operator may cancel the insurance only if alternative financial assurance is substituted prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

e. Corporate financial test. An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance up to the amount specified below:

(1) Financial component. The owner or operator must satisfy the requirements of numbered paragraphs 113.14(6)*"e"*(1)"1" to "3" to meet the financial component of the corporate financial test.

1. The owner or operator must satisfy one of the following three conditions:

- A current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard & Poor's or Aaa, Aa, A or Baa as issued by Moody's; or
- A ratio of less than 1.5 comparing total liabilities to net worth (net worth calculations may not include future permitted capacity of the subject landfill as an asset); or
- A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities;

2. The tangible net worth, excluding future permitted capacity of the subject landfill, of the owner or operator must be greater than:

- The sum of the current closure, postclosure care, and corrective action cost estimates and any other environmental obligations, including guarantees, covered by this financial test plus $10 million except as provided in the second bulleted paragraph of numbered paragraph 113.14(6)*"e"*(1)"2"; or
- Net worth of $10 million, excluding future permitted capacity of the subject landfill, plus the amount of any guarantees that have not been recognized as liabilities on the financial statements, provided that all of the current closure, postclosure care, and corrective action costs and any other environmental obligations covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and are subject to the approval of the department; and

3. The owner or operator must have, located in the United States, assets, excluding future permitted capacity of the subject landfill, amounting to at least the sum of current closure, postclosure care, and corrective action cost estimates and any other environmental obligations covered by a financial test as described in subparagraph 113.14(6)*"e"*(5).

(2) Record-keeping and reporting requirements. The owner or operator must submit the following records to the department and place a copy in the facility's official files prior to the initial receipt of

solid waste or cancellation of an alternative financial assurance instrument, in the case of closure and postclosure care; or no later than 120 days after the corrective action plan has been approved by the department:

1. A letter signed by a certified public accountant and based upon a certified audit that:

- Lists all the current cost estimates covered by a financial test including, but not limited to, cost estimates required by subrules 113.14(3) to 113.14(5); cost estimates required for municipal solid waste management facilities pursuant to 40 CFR Part 258; cost estimates required for UIC facilities under 40 CFR Part 144, if applicable; cost estimates required for petroleum underground storage tank facilities under 40 CFR Part 280, if applicable; cost estimates required for PCB storage facilities under 40 CFR Part 761, if applicable; and cost estimates required for hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, if applicable; and
- Provides evidence demonstrating that the owner or operator meets the conditions of subparagraph 113.14(6)*"e"*(1).

2. A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion or disclaimer of opinion shall be cause for disallowance of this mechanism. A qualified opinion related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance. If the department does not allow use of the corporate financial test, the owner or operator must provide alternative financial assurance that meets the requirements of this rule.

3. If the certified public accountant's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subparagraph 113.14(6)*"e"*(1) that differs from data in the audited financial statements referred to in numbered paragraph 113.14(6)*"e"*(2)"2," then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report shall be based upon an agreed-upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the certified public accountant's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

4. If the certified public accountant's letter provides a demonstration that the owner or operator has assured for environmental obligations as provided in the second bulleted paragraph of numbered paragraph 113.14(6)*"e"*(1)"2," then the letter shall include a report from the independent certified public accountant that verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements and that documents how these obligations have been measured and reported, and verifies that the tangible net worth of the owner or operator is at least $10 million plus the amount of any guarantees provided.

(3) The owner or operator may cease the submission of the information required by paragraph 113.14(6)*"e"* only if alternative financial assurance is substituted prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this chapter.

(4) The department may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subparagraph 113.14(6)*"e"*(1), require the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in subparagraph 113.14(6)*"e"*(2). If the department finds that the owner or operator no longer meets the requirements of subparagraph 113.14(6)*"e"*(1), the owner or operator must provide alternative financial assurance that meets the requirements of this rule.

(5) Calculation of costs to be assured. When calculating the current cost estimates for closure, postclosure care, corrective action, or the sum of the combination of such costs to be covered, and any other environmental obligations assured by a financial test referred to in paragraph 113.14(6)*"e,"* the owner or operator must include cost estimates required for subrules 113.14(3) to 113.14(5); cost estimates for municipal solid waste management facilities pursuant to 40 CFR Section 258.74; and cost estimates required for the following environmental obligations, if the owner or operator assures

those environmental obligations through a financial test: obligations associated with UIC facilities under 40 CFR Part 144, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265.

f. *Local government financial test.* An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance up to the amount specified below:

(1) Financial component.

1. The owner or operator must satisfy one of the following requirements:

- If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, the owner or operator must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard & Poor's on all such general obligation bonds; or
- The owner or operator must satisfy both of the following financial ratios based on the owner's or operator's most recent audited annual financial statement: a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05, and a ratio of annual debt service to total expenditures less than or equal to 0.20.

2. The owner or operator must prepare its financial statements in conformity with Generally Accepted Accounting Principles or Other Comprehensive Bases of Accounting and have its financial statements audited by an independent certified public accountant or the office of the auditor of the state of Iowa. The financial statement shall be in the form prescribed by the office of the auditor of the state of Iowa.

3. A local government is not eligible to assure its obligations in paragraph 113.14(6)*"f"* if it:

- Is currently in default on any outstanding general obligation bonds; or
- Has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard & Poor's; or
- Operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or
- Receives an adverse opinion or disclaimer of opinion from the independent certified public accountant or office of the auditor of the state of Iowa auditing its financial statement as required under numbered paragraph 113.14(6)*"f"*(1)"2." A qualified opinion that is related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance of this mechanism.

4. The following terms used in this paragraph are defined as follows:

- "Cash plus marketable securities" means all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.
- "Debt service" means the amount of principal and interest due on a loan in a given time period, typically the current year.
- "Deficit" means total annual revenues minus total annual expenditures.
- "Total expenditures" means all expenditures, excluding capital outlays and debt repayment.
- "Total revenues" means revenues from all taxes and fees, excluding revenue from funds managed by local government on behalf of a specific third party, and does not include the proceeds from borrowing or asset sales.

(2) Public notice component. The local government owner or operator must include disclosure of the closure and postclosure care costs assured through the financial test in its next annual audit report prior to the initial receipt of waste at the facility or prior to cancellation of an alternative financial assurance mechanism, whichever is later. A reference to corrective action costs must be placed in the next annual audit report after the corrective action plan is approved by the department. For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the facility's official files until issuance of the next available annual audit report if timing does not permit the reference to be incorporated into the most recently issued annual audit report or budget. For closure and postclosure costs, conformance with Governmental Accounting Standards Board Statement 18 ensures compliance with this public notice component.

(3) Record-keeping and reporting requirements.

1. The local government owner or operator must submit to the department the following items:

- A letter signed by the local government's chief financial officer that lists all the current cost estimates covered by a financial test, as described in subparagraph 113.14(6)*"f"*(4); provides evidence and certifies that the local government meets the conditions of numbered paragraphs 113.14(6)*"f"*(1)"1," "2," and "3"; and certifies that the local government meets the conditions of subparagraphs 113.14(6)*"f"*(2) and (4); and
- The local government's annual financial report indicating compliance with the financial ratios required by numbered paragraph 113.14(6)*"f"*(1)"1," second bulleted paragraph, if applicable; and the requirements of numbered paragraph 113.14(6)*"f"*(1)"2" and the third and fourth bulleted paragraphs of numbered paragraph 113.14(6)*"f"*(1)"3"; and also indicating that the requirements of Governmental Accounting Standards Board Statement 18 have been met.

2. The items required in numbered paragraph 113.14(6)*"f"*(3)"1" must be submitted to the department and placed in the facility's official files prior to the receipt of waste or prior to the cancellation of an alternative financial mechanism, in the case of closure and postclosure care; or, in the case of corrective action, not later than 120 days after the corrective action plan is approved by the department.

3. After the initial submission of the required items and their placement in the facility's official files, the local government owner or operator must update the information and place the updated information in the facility's official files within 180 days following the close of the owner's or operator's fiscal year.

4. The owner or operator may cease the submission of the information required by paragraph 113.14(6)*"f"* only if alternative financial assurance is substituted prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

5. A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, the local government must, within 180 days following the close of the owner's or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this rule, place the required submissions for that assurance in the operating record, and notify the department that the owner or operator no longer meets the criteria of the financial test and that alternative financial assurance has been obtained.

6. The department, based on a reasonable belief that the local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial conditions from the local government at any time. If the department finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the local government must provide alternative financial assurance in accordance with this rule.

(4) Calculation of costs to be assured. The portion of the closure, postclosure care, and corrective action costs which an owner or operator may assure under this subrule is determined as follows:

1. If the local government owner or operator does not assure other environmental obligations through a financial test, the owner or operator may assure closure, postclosure care, and corrective action costs that equal up to 43 percent of the local government's total annual revenue.

2. If the local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 40 CFR Section 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, the owner or operator must add those costs to the closure, postclosure care, and corrective action costs it seeks to assure under this subparagraph. The total that may be assured must not exceed 43 percent of the local government's total annual revenue.

3. The owner or operator must obtain an alternative financial assurance instrument for those costs that exceed the limits set in numbered paragraphs 113.14(6)*"f"*(4)"1" and "2."

g. Corporate guarantee.

(1) An owner or operator may meet the requirements of this paragraph by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, an owner or operator whose parent corporation is also the parent corporation of the owner or operator, or an owner or operator with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in paragraph 113.14(6)*"g"* and must comply with the terms of the guarantee. A certified copy of the guarantee must be placed in the facility's operating record along with copies of the letter from a certified public accountant and the accountant's opinions. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the certified public accountant must describe the value received in consideration of the guarantee. If the guarantor is an owner or operator with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

(2) The guarantee must be effective and all required submissions made to the department prior to the initial receipt of waste or before cancellation of an alternative financial mechanism, in the case of closure and postclosure care; or, in the case of corrective action, no later than 120 days after the corrective action plan has been approved by the department.

(3) The terms of the guarantee must provide that:

1. If the owner or operator fails to perform closure, postclosure care, or corrective action of a facility covered by the guarantee, or fails to obtain alternative financial assurance within 90 days of notice of intent to cancel pursuant to numbered paragraphs 113.14(6)*"g"*(3)"2" and "3," the guarantor will:

- Perform, or pay a third party to perform, closure, postclosure care, or corrective action as required (performance guarantee);
- Establish a fully funded trust fund as specified in paragraph 113.14(6)*"a"* in the name of the owner or operator (payment guarantee); or
- Obtain alternative financial assurance as required by numbered paragraph 113.14(6)*"g"*(3)"3."

2. The guarantee will remain in force for as long as the owner or operator must comply with the applicable financial assurance requirements of this rule unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the department, as evidenced by the return receipts.

3. If notice of cancellation is given, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the department, provide to the department adequate proof of alternative financial assurance, notice from the guarantor of withdrawal of the cancellation, or proof of the establishment of a fully funded trust fund pursuant to paragraph 113.14(6)*"a."* If the owner or operator fails to comply with the provisions of this paragraph within the 90-day period, the guarantor must provide that alternative financial assurance prior to cancellation of the corporate guarantee.

(4) If a corporate guarantor no longer meets the requirements of paragraph 113.14(6)*"e,"* the owner or operator must, within 90 days, obtain alternative financial assurance and submit proof of alternative financial assurance to the department. If the owner or operator fails to provide alternative financial assurance within the 90-day period, the guarantor must provide that alternative financial assurance within the next 30 days.

(5) The owner or operator is no longer required to meet the requirements of paragraph 113.14(6)*"g"* upon the submission to the department of proof of the substitution of alternative financial assurance or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this chapter.

h. Local government guarantee. An owner or operator may demonstrate financial assurance for closure, postclosure care, or corrective action by obtaining a written guarantee provided by a local government or jointly provided by the members of an agency established pursuant to Iowa Code chapter 28E. The guarantor must meet the requirements of the local government financial test in paragraph 113.14(6)*"f"* and must comply with the terms of a written guarantee.

(1) Terms of the written guarantee. The guarantee must be effective before the initial receipt of waste or before the cancellation of alternative financial assurance, in the case of closure and postclosure care; or no later than 120 days after the corrective action plan is approved by the department. The guarantee must provide that:

1. If the owner or operator fails to perform closure, postclosure care, or corrective action of a facility covered by the guarantee or fails to obtain alternative financial assurance within 90 days of notice of intent to cancel pursuant to numbered paragraphs 113.14(6)*"h"*(1)"2" and "3," the guarantor will:

- Perform, or pay a third party to perform, closure, postclosure care, or corrective action as required; or
- Establish a fully funded trust fund as specified in paragraph 113.14(6)*"a"* in the name of the owner or operator; or
- Obtain alternative financial assurance as required by numbered paragraph 113.14(6)*"h"*(1)"3."

2. The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the department. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the department as evidenced by the return receipts.

3. If notice of cancellation is given, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the department, provide to the department adequate proof of alternative financial assurance, notice from the guarantor of withdrawal of the cancellation, or proof of the establishment of a fully funded trust fund pursuant to paragraph 113.14(6)*"a."* If the owner or operator fails to comply with the provisions of this paragraph within the 90-day period, the guarantor must provide that alternative financial assurance prior to cancellation of the guarantee.

(2) Record-keeping and reporting requirements.

1. The owner or operator must submit to the department a certified copy of the guarantee along with the items required under subparagraph 113.14(6)*"f"*(3) and place a copy in the facility's official files before the initial receipt of waste or before cancellation of alternative financial assurance, whichever is later, in the case of closure and postclosure care; or no later than 120 days after the corrective action plan has been approved by the department.

2. The owner or operator shall no longer be required to submit the items specified in numbered paragraph 113.14(6)*"h"*(2)"1" when proof of alternative financial assurance has been submitted to the department or the owner or operator is no longer required to provide financial assurance pursuant to this rule.

3. If a local government guarantor no longer meets the requirements of paragraph 113.14(6)*"f,"* the owner or operator must, within 90 days, submit to the department proof of alternative financial assurance. If the owner or operator fails to obtain alternative financial assurance within the 90-day period, the guarantor must provide that alternative financial assurance within the next 30 days.

i. Local government dedicated fund. The owner or operator of a publicly owned MSWLF or local government serving as a guarantor may demonstrate financial assurance for closure, postclosure care, or corrective action, whichever is applicable, by establishing a dedicated fund or account that conforms to the requirements of this subrule. A dedicated fund will be considered eligible if it complies with subparagraph 113.14(6)*"i"*(1) or (2) below, and all other provisions of this paragraph, and documentation of this compliance has been submitted to the department.

(1) The fund shall be dedicated by state constitutional provision or local government statute, charter, ordinance, or order to pay for closure, postclosure care, or corrective action costs, whichever is applicable, arising from the operation of the MSWLF and shall be funded for the full amount of coverage or funded for part of the required amount of coverage and used in combination with another mechanism(s) that provides the remaining coverage.

(2) The fund shall be dedicated by state constitutional provision or local government statute, charter, ordinance, or order as a reserve fund and shall be funded for no less than the full amount of coverage or funded for part of the required amount of coverage and used in combination with another mechanism(s) that provides the remaining coverage.

(3) Payments into the dedicated fund must be made annually by the owner or operator for ten years or over the permitted life of the MSWLF, whichever is shorter, in the case of a dedicated fund for closure or postclosure care; or over one-half of the estimated length of an approved corrective action plan in the case of a response to a known release. This is referred to as the "pay-in period." The initial payment into the dedicated fund must be made before the initial receipt of waste in the case of closure and postclosure care or no later than 120 days after the corrective action plan has been approved by the department.

(4) For a dedicated fund used to demonstrate financial assurance for closure and postclosure care, the first payment into the dedicated fund must be at least equal to the amount specified in subrule 113.14(9), divided by the number of years in the pay-in period as defined in this subrule. The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{CE - CB}{Y}$$

where CE is the total required financial assurance for the owner or operator, CB is the current balance of the fund, and Y is the number of years remaining in the pay-in period.

(5) For a dedicated fund used to demonstrate financial assurance for corrective action, the first payment into the dedicated fund must be at least one-half of the current cost estimate, divided by the number of years in the corrective action pay-in period as defined in this subrule. The amount of subsequent payments must be determined by the following formula:

$$\text{Payment} = \frac{RB - CF}{Y}$$

where RB is the most recent estimate of the required dedicated fund balance, which is the total cost that will be incurred during the second half of the corrective action period, CF is the current amount in the dedicated fund, and Y is the number of years remaining in the pay-in period.

(6) The initial payment into the dedicated fund must be made before the initial receipt of waste or before the cancellation of an alternative financial assurance mechanism, in the case of closure and postclosure care; or no later than 120 days after the corrective action remedy has been approved by the department.

(7) After the pay-in period has been completed, the dedicated fund shall be adjusted annually to correct any deficiency of the fund with respect to the adjusted cost estimates and may be adjusted annually should the balance in the fund exceed the adjusted cost estimate.

113.14(7) *General requirements.*

a. Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this subrule by establishing more than one financial mechanism per facility. The mechanisms must be a combination of those mechanisms outlined in this rule and must provide financial assurance for an amount at least equal to the current cost estimate for closure, postclosure care, or corrective action, whichever is applicable. The financial test and a guarantee provided by a corporate parent, sibling or grandparent may not be combined if the financial statements of the two entities are consolidated.

b. Use of one mechanism for multiple facilities. An owner or operator may satisfy the requirements of this subrule for multiple MSWLFs by the use of one mechanism if the owner or operator ensures that the mechanism provides financial assurance for an amount at least equal to the current cost estimates for closure, postclosure care, or corrective action, whichever is applicable, for all MSWLFs covered.

c. Criteria. The language of the financial assurance mechanisms listed in this rule must ensure that the instruments satisfy the following criteria:

(1) The financial assurance mechanisms must ensure that the amount of funds assured is sufficient to cover the costs of closure, postclosure care, or corrective action for known releases, whichever is applicable;

(2) The financial assurance mechanisms must ensure that funds will be available in a timely fashion when needed;

(3) The financial assurance mechanisms must be obtained by the owner or operator prior to the initial receipt of solid waste and no later than 120 days after the corrective action plan has been approved by the department until the owner or operator is released from the financial assurance requirements; and

(4) The financial assurance mechanisms must be legally valid, binding, and enforceable under Iowa law.

d. No permit shall be issued by the department pursuant to Iowa Code section 455B.305 unless the applicant has demonstrated compliance with rule 113.14(455B).

113.14(8) *Closure and postclosure accounts.* The holder of a permit for an MSWLF shall maintain a separate account for closure and postclosure care as required by Iowa Code section 455B.306(8)*"b."* The account shall be specific to a particular facility.

a. Definitions. For the purpose of this subrule, the following definitions shall apply:

"Account" means a formal, separate set of records.

"Current balance" means cash in an account established pursuant to this rule plus the current value of investments of moneys collected pursuant to subrule 113.14(8) and used to purchase one or more of the investments listed in Iowa Code section 12B.10(5).

"Current cost estimate" means the closure cost estimate prepared and submitted to the department pursuant to subrule 113.14(3) and the postclosure cost estimate prepared and submitted pursuant to subrule 113.14(4).

b. Moneys in the accounts shall not be assigned for the benefit of creditors except the state of Iowa.

c. Moneys in the accounts shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site during its active life or after closure.

d. Withdrawal of funds. Except as provided in paragraph 113.14(8)*"e,"* moneys in the accounts may be withdrawn without departmental approval only for the purpose of funding closure, including partial closure, or postclosure activities that are in conformance with a closure/postclosure plan which has been submitted pursuant to paragraph 113.5(1)*"i."* Withdrawals for activities not in conformance with a closure/postclosure plan must receive prior written approval from the department. Permit holders using a trust fund established pursuant to paragraph 113.14(6)*"a"* to satisfy the requirements of this subrule must comply with the requirements of subparagraph 113.14(6)*"a"*(6) prior to withdrawal.

e. Excess funds. If the balance of a closure or postclosure account exceeds the current cost estimate for closure or postclosure at any time, the permit holder may withdraw the excess funds so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

f. Initial proof of establishment of account. A permit holder shall submit a statement of account, signed by the permit holder, to the department by April 1, 2003, that indicates that accounts have been established pursuant to this subrule. Permit holders for new MSWLFs permitted after April 1, 2003, shall submit to the department prior to the MSWLF's initial receipt of waste a statement of account, signed by the permit holder.

g. An account established pursuant to paragraph 113.14(6)*"a"* for trust funds or paragraph 113.14(6)*"i"* for local government dedicated funds also satisfies the requirements of this subrule, and the permit holder shall not be required to establish closure and postclosure accounts in addition to said financial assurance accounts. Accounts established pursuant to paragraph 113.14(6)*"a"* or 113.14(6)*"i,"* which are intended to satisfy the requirements of this subrule, must comply with Iowa Code section 455B.306(8)*"b."*

h. Yearly deposits. Deposits into the closure and postclosure accounts shall be made at least yearly in the amounts specified in this subrule beginning with the close of the facility's first fiscal year that begins after June 30, 2002. The deposits shall be made within 30 days of the close of each fiscal year. The minimum yearly deposit to the closure and postclosure accounts shall be determined using the following formula:

$$\frac{CE - CB}{RPC} \times TR = \text{yearly deposit to account}$$

Where:

"CE" means the current cost estimate of closure and postclosure costs.

"CB" means the current balance of the closure or postclosure accounts.

"RPC" means the remaining permitted capacity, in tons, of the MSWLF as of the start of the permit holder's fiscal year.

"TR" is the number of tons of solid waste disposed of at the facility in the prior year.

i. Closure and postclosure accounts may be commingled with other accounts so long as the amounts credited to each account balance are reported separately pursuant to paragraphs 113.14(3)*"a"* and 113.14(4)*"a."*

j. The department shall have full rights of access to all funds existing in a facility's closure or postclosure account, at the sole discretion of the department, if the permit holder fails to undertake closure or postclosure activities after being directed to do so by a final agency action of the department. These funds shall be used only for the purposes of funding closure and postclosure activities at the site.

113.14(9) *Amount of required financial assurance.* A financial assurance mechanism established pursuant to subrule 113.14(6) shall be in the amount of the third-party cost estimates required by subrules 113.14(3), 113.14(4), and 113.14(5) except that the amount of the financial assurance may be reduced by the sum of the cash balance in a trust fund or local government dedicated fund established to comply with subrule 113.14(8) plus the current value of investments held by said trust fund or local government dedicated fund if invested in one or more of the investments listed in Iowa Code section 12B.10(5).

567—113.15(455B,455D) Variances. A request for a variance to this chapter shall be submitted in writing pursuant to 561—Chapter 10. Some provisions of this chapter are minimum standards required by federal law (see 40 CFR 258), and variances to such provisions shall not be granted unless they are as protective as the applicable minimum federal standards.

Appendix I
Constituents for Detection Monitoring[1]

Inorganic Constituents:	
(1) Antimony	(Total)
(2) Arsenic	(Total)
(3) Barium	(Total)
(4) Beryllium	(Total)
(5) Cadmium	(Total)
(6) Chromium	(Total)
(7) Cobalt	(Total)
(8) Copper	(Total)
(9) Lead	(Total)
(10) Nickel	(Total)
(11) Selenium	(Total)
(12) Silver	(Total)
(13) Thallium	(Total)
(14) Vanadium	(Total)
(15) Zinc	(Total)

Organic Constituents:	
(16) Acetone	67-64-1
(17) Acrylonitrile	107-13-1
(18) Benzene	71-43-2
(19) Bromochloromethane	74-97-5
(20) Bromodichloromethane	75-27-4
(21) Bromoform; Tribromomethane	75-25-2
(22) Carbon disulfide	75-15-0
(23) Carbon tetrachloride	56-23-5
(24) Chlorobenzene	108-90-7
(25) Chloroethane; Ethyl chloride	75-00-3
(26) Chloroform; Trichloromethane	67-66-3
(27) Dibromochloromethane; Chlorodibromomethane	124-48-1
(28) 1,2-Dibromo-3-chloropropane; DBCP	96-12-8
(29) 1,2-Dibromoethane; Ethylene dibromide; EDB	106-93-4
(30) o-Dichlorobenzene; 1,2-Dichlorobenzene	95-50-1
(31) p-Dichlorobenzene; 1,4-Dichlorobenzene	106-46-7
(32) trans-1,4-Dichloro-2-butene	110-57-6
(33) 1,1-Dichloroethane; Ethylidene chloride	75-34-3
(34) 1,2-Dichloroethane; Ethylene dichloride	107-06-2
(35) 1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride	75-35-4
(36) cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	156-59-2
(37) trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene	156-60-5
(38) 1,2-Dichloropropane; Propylene dichloride	78-87-5
(39) cis-1,3-Dichloropropene	10061-01-5
(40) trans-1,3-Dichloropropene	10061-02-6

Organic Constituents:	
(41) Ethylbenzene	100-41-4
(42) 2-Hexanone; Methyl butyl ketone	591-78-6
(43) Methyl bromide; Bromomethane	74-83-9
(44) Methyl chloride; Chloromethane	74-87-3
(45) Methylene bromide; Dibromomethane	74-95-3
(46) Methylene chloride; Dichloromethane	75-09-2
(47) Methyl ethyl ketone; MEK; 2-Butanone	78-93-3
(48) Methyl iodide; Iodomethane	74-88-4
(49) 4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1
(50) Styrene	100-42-5
(51) 1,1,1,2-Tetrachloroethane	630-20-6
(52) 1,1,2,2-Tetrachloroethane	79-34-5
(53) Tetrachloroethylene; Tetrachloroethene; Perchloroethylene	127-18-4
(54) Toluene	108-88-3
(55) 1,1,1-Trichloroethane; Methylchloroform	71-55-6
(56) 1,1,2-Trichloroethane	79-00-5
(57) Trichloroethylene; Trichloroethene	79-01-6
(58) Trichlorofluoromethane; CFC-11	75-69-4
(59) 1,2,3-Trichloropropane	96-18-4
(60) Vinyl acetate	108-05-4
(61) Vinyl chloride	75-01-4
(62) Xylenes	1330-20-7

Notes:

[1]This list contains 47 volatile organics for which possible analytical procedures provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste," third edition, November 1986, as revised December 1987, includes Method 8260; and 15 metals for which SW-846 provides either Method 6010 or a method from the 7000 series of methods.

[2]Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[3]Chemical Abstracts Service registry number. Where "Total" is entered, all species in the groundwater that contain this element are included.

Appendix II
List of Hazardous Inorganic and Organic Constituents[1]

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-	8100 8270	200 10
Acenaphthylene	208-96-8	Acenaphthylene	8100 8270	200 10
Acetone	67-64-1	2-Propanone	8260	100
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	8015	100
Acetophenone	98-86-2	Ethanone, 1-phenyl-	8270	10
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-	8270	20
Acrolein	107-02-8	2-Propenal	8030 8260	5 100
Acrylonitrile	107-13-1	2-Propenenitrile	8030 8260	5 200
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4, 10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1α,4α,4aβ,5α,8α,8aβ)-	8080 8270	0.05 10
Allyl chloride	107-05-1	1-Propene, 3-chloro-	8010 8260	5 10
4-Aminobiphenyl	92-67-1	[1,1[1]-Biphenyl]-4-amine	8270	20
Anthracene	120-12-7	Anthracene	8100 8270	200 10
Antimony	(Total)	Antimony	6010 7040 7041	300 2000 30
Arsenic	(Total)	Arsenic	6010 7060 7061	500 10 20
Barium	(Total)	Barium	6010 7080	20 1000

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Benzene	71-43-2	Benzene	8020 8021 8260	2 0.1 5
Benzo[a]anthracene; Benzanthracene	56-55-3	Benz[a]anthracene	8100 8270	200 10
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene	8100 8270	200 10
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene	8100 8270	200 10
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene	8100 8270	200 10
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene	8100 8270	200 10
Benzyl alcohol	100-51-6	Benzenemethanol	8270	20
Beryllium	(Total)	Beryllium	6010 7090 7091	3 50 2
alpha-BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5β,6β)-	8080 8270	0.05 10
beta-BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2β,3α,4β,5α,6β)-	8080 8270	0.05 20
delta-BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3α,4β,5α,6β)-	8080 8270	0.1 20
gamma-BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	8080 8270	0.05 20
Bis(2-chloroethoxy)methane	111-91-1	Ethane, 1,1[1]-[methylene bis(oxy)] bis[2-chloro-	8110 8270	5 10
Bis(2-chloroethyl) ether; Dichloroethyl ether	111-44-4	Ethane, 1,1[1]-oxybis[2-chloro-	8110 8270	3 10
Bis-(2-chloro-1-methylethyl) ether; 2,2[1]-Dichlorodiisopropyl ether; DCIP, see Note 7	108-60-1	Propane, 2,2[1]-oxybis[1-chloro-	8110 8270	10 10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	8060	20
Bromochloromethane; Chlorobromomethane	74-97-5	Methane, bromochloro-	8021 8260	0.1 5
Bromodichloromethane; Dibromochloromethane	75-27-4	Methane, bromodichloro-	8010 8021 8260	1 0.2 5
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-	8010 8021 8260	2 15 5
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-	8110 8270	25 10
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	8060 8270	5 10
Cadmium	(Total)	Cadmium	6010 7130 7131	40 50 1
Carbon disulfide	75-15-0	Carbon disulfide	8260	100
Carbon tetrachloride	56-23-5	Methane, tetrachloro-	8010 8021 8260	1 0.1 10
Chlordane	See Note 8	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	8080 8270	0.1 50
p-Chloroaniline	106-47-8	Benzenamine, 4-chloro-	8270	20
Chlorobenzene	108-90-7	Benzene, chloro-	8010 8020 8021 8260	2 2 0.1 5
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chlor-α-(4- chlorophenyl)-α-hydroxy-, ethyl ester	8270	10
p-Chloro-m-cresol; 4-Chloro-3-methylphenol	59-50-7	Phenol, 4-chloro-3-methyl-	8040 8270	5 20

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-	8010 8021 8260	5 1 10
Chloroform; Trichloromethane	67-66-3	Methane, trichloro-	8010 8021 8260	0.5 0.2 5
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-	8120 8270	10 10
2-Chlorophenol	95-57-8	Phenol, 2-chloro-	8040 8270	5 10
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-	8110 8270	40 10
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-	8010 8260	50 20
Chromium	(Total)	Chromium	6010 7190 7191	70 500 10
Chrysene	218-01-9	Chrysene	8100 8270	200 10
Cobalt	(Total)	Cobalt	6010 7200 7201	70 500 10
Copper	(Total)	Copper	6010 7210 7211	60 200 10
m-Cresol; 3-methylphenol	108-39-4	Phenol, 3-methyl-	8270	10
o-Cresol; 2-methylphenol	95-48-7	Phenol, 2-methyl-	8270	10
p-Cresol; 4-methylphenol	106-44-5	Phenol, 4-methyl-	8270	10
Cyanide	57-12-5	Cyanide	9010	200
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-	8150	10
4,4[1]-DDD	72-54-8	Benzene 1,1[1]-(2,2-dichloroethyl-idene) bis[4-chloro-	8080 8270	0.1 10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
4,4[1]-DDE	72-55-9	Benzene, 1,1[1]-(dichloroethyenyl-idene) bis[4-chloro-	8080 8270	0.05 10
4,4[1]-DDT	50-29-3	Benzene, 1,1[1]-(2,2,2-trichloroethylidene)bis[4-chloro-	8080 8270	0.1 10
Diallate	2303-16-4	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester	8270	10
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene	8100 8270	200 10
Dibenzofuran	132-64-9	Dibenzofuran	8270	10
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-	8010 8021 8260	1 0.3 5
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibrome-3-chloro-	8011 8021 8260	0.1 30 25
1,2-Dibromoethane; Ethylene dibromide; EDB	106-93-4	Ethane, 1,2-dibromo-	8011 8021 8260	0.1 10 5
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	8060 8270	5 10
o-Dichlorobenzene; 1,2-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8010 8020 8021 8120 8260 8270	2 5 0.5 10 5 10
m-Dichlorobenzene; 1,3-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-	8010 8020 8021 8120 8260 8270	5 5 0.2 10 5 10
p-Dichlorobenzene; 1,4-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8010 8020 8021 8120 8260 8270	2 5 0.1 15 5 10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
3,3[1]-Dichlorobenzidine	91-94-1	[1,1[1]-Biphenyl]-4,4[1]-diamine, 3,3[1]-dichloro-	8270	20
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-	8260	100
Dichlorodifluoromethane; CFC 12	75-71-8	Methane, dichlorodifluoro-	8021 8260	0.5 5
1,1-Dichloroethane; Ethyldidene chloride	75-34-3	Ethane, 1,1-dichloro-	8010 8021 8260	1 0.5 5
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,1-dichloro-	8010 8021 8260	0.5 0.3 5
1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-	8010 8021 8260	1 0.5 5
cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	156-59-2	Ethene, 1,2-dichloro-, (Z)-	8021 8260	0.2 5
trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene	156-60-5	Ethene, 1,2-dichloro-, (E)-	8010 8021 8260	1 0.5 5
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8040 8270	5 10
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10
1,2-Dichloropropane; Propylene dichloride	78-87-5	Propane, 1,2-dichloro-	8010 8021 8260	0.5 0.05 5
1,3-Dichloropropane; Trimethylene dichloride	142-28-9	Propane, 1,3-dichloro-	8021 8260	0.3 5
2,2-Dichloropropane; Isopropylidene chloride	594-20-7	Propane, 2,2-dichloro-	8021 8260	0.5 15
1,1-Dichloropropene	563-58-6	1-Propene, 1,1-dichloro-	8021 8260	0.2 5
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-	8010 8260	20 10
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-	8010 8260	5 10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b] oxirene, 3,4,5,6,9,9-hexa,chloro-1a, 2,2a,3,6,6a,7, 7a-octahydro-,(1aα, 2β,2aα,3β,6β,6aα,7β, 7aα)-	8080 8270	0.05 10
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060 8270	5 10
0,0-Diethyl 0-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester	8141 8270	5 20
Dimethoate	60-51-5	Phosphorodithioic acid, 0,0-dimethyl S- [2-(methylamino)-2-oxoethyl] ester	8141 8270	3 20
p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	8270	10
7,12-Dimethylbenz[a]anthracene	57-97-6	Benz[a]anthracene, 7,12-dimethyl-	8270	10
3,3[1]-Dimethylbenzidine	119-93-7	[1,1[1]-Biphenyl]-4,4[1]-diamine, 3,3[1]-dimethyl-	8270	10
2,4-Dimethylphenol; m-Xylenol	105-67-9	Phenol, 2,4-dimethyl-	8040 8270	5 10
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	8060 8270	5 10
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-	8270	20
4,6-Dinitro-o-cresol 4,6-Dinitro-2-methylphenol	534-52-1	Phenol, 2-methyl-4,6-dinitro-	8040 8270	150 50
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-	8040 8270	150 50
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8090 8270	0.2 10
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8090 8270	0.1 10
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	8150 8270	1 20

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8060 8270	30 10
Diphenylamine	122-39-4	Benzenamine, N-phenyl-	8270	10
Disulfoton	298-04-4	Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester	8140 8141 8270	2 0.5 10
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxa-thiepin, 6,7,8,9,10,10-hexa-chloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	8080 8270	0.1 20
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxa-thiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide,(3α,5aα,6β,9β,9aα)-	8080 8270	0.05 20
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxa-thiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-3-dioxide	8080 8270	0.5 10
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b] oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a, 7,7a-octahydro-, (1aα,2β,2aβ,3α,6α, 6aβ,7β,7aα)-	8080 8270	0.1 20
Endrin aldehyde	7421-93-4	1,2,4-Methenocyclopenta[cd]penta-lene- 5-carboxaldehyde,2,2a,3, 3,4,7-hexachlorodecahydro-, (1α,2β, 2aβ,4β,4aβ,5β,6aβ, 6bβ,7R)-	8080 8270	0.2 10
Ethylbenzene	100-41-4	Benzene, ethyl-	8020 8221 8260	2 0.05 5
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	8015 8260 8270	5 10 10
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester	8270	20

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Famphur	52-85-7	Phosphorothioic acid, 0-[4-[(dimethyl-amino) sulfonyl]phenyl] 0,0-dimethyl ester	8270	20
Fluoranthene	206-44-0	Fluoranthene	8100 8270	200 10
Fluorene	86-73-7	9H-Fluorene	8100 8270	200 10
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7, 8,8- heptachloro-3a,4,7, 7a-tetrahydro-	8080 8270	0.05 10
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno[1,2-b] oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aα,1bβ, 2α, 5α,5aβ, 6β, 6aα)	8080 8270	1 10
Hexachlorobenzene	118-74-1	Benzene, hexachloro-	8120 8270	0.5 10
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4, 4-hexachloro-	8021 8120 8260 8270	0.5 5 10 10
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	8120 8270	5 10
Hexachloroethane	67-72-1	Ethane, hexachloro-	8120 8260 8270	0.5 10 10
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	8270	10
2-Hexanone; Methyl butyl ketone	591-78-6	2-Hexanone	8260	50
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno(1,2,3-cd)pyrene	8100 8270	200 10
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	8015 8240	50 100

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Isodrin	465-73-6	1,4,5,8-Dimethanonaphthalene,1,2, 3,4, 10,10- hexachloro-1,4,4a,5,8,8a-hexahydro-(1α,4α,4aβ,5β,8β,8aβ)-	8270 8260	20 10
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-	8090 8270	60 10
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	8270	10
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd] pentalen-2-one,1,1a,3,3a,4,5,5, 5a,5b,6-decachlorooctahydro-	8270	20
Lead	(Total)	Lead	6010 7420 7421	400 1000 10
Mercury	(Total)	Mercury	7470	2
Methacrylonitrile	126-98-7	2-Propenenitrile, 2-methyl-	8015 8260	5 100
Methapyrilene	91-80-5	1,2-Ethanediamine, N.N-dimethyl-N[1]-2-pyridinyl-N1/2 -thienylmethyl)-	8270	100
Methoxychlor	72-43-5	Benzene,1,1[1]-(2,2,2, trichloroethylidene)bis[4-methoxy-	8080 8270	2 10
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-	8010 8021	20 10
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-	8010 8021	1 0.3
3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro- 3-methyl-	8270	10
Methyl ethyl ketone; MEK; 2-Butanone	78-93-3	2-Butanone	8015 8260	10 100
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-	8010 8260	40 10
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	8015 8260	2 30

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester	8270	10
2-Methylnaphthalene	91-57-6	Naphthalene, 2-methyl-	8270	10
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, 0,0-dimethyl	8140 8141 8270	0.5 1 10
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-	8015 8260	5 100
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-	8010 8021 8260	15 20 10
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-	8010 8021 8260	5 0.2 10
Naphthalene	91-20-3	Naphthalene	8021 8100 8260 8270	0.5 200 5 10
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	8270	10
1-Naphthylamine	134-32-7	1-Naphthalenamine	8270	10
2-Naphthylamine	91-59-8	2-Naphthalenamine	8270	10
Nickel	(Total)	Nickel	6010 7520	150 400
o-Nitroaniline; 2-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	8270	50
m-Nitroaniline; 3-Nitroanile	99-09-2	Benzenamine, 3-nitro-	8270	50
p-Nitroaniline; 4-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	8270	20
Nitrobenzene	98-95-3	Benzene, nitro-	8090 8270	40 10
o-Nitrophenol; 2-Nitrophenol	88-75-5	Phenol, 2-nitro-	8040 8270	5 10
p-Nitrophenol; 4-Nitrophenol	100-02-7	Phenol, 4-nitro-	8040 8270	10 50

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-	8270	10
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-	8270	20
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	8070	2
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	8070	5
N-Nitrosodipropylamine; N-Nitroso-N-dipropylamine; Di-n-propylnitrosamine propyl-	621-64-7	1-Propanamine, N-nitroso-N-	8070	10
N-Nitrosomethylethalamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-	8270	10
N-Nitrosopiperidine	100-75-4	Piperidine, 1-nitroso-	8270	20
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	40
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-	8270	10
Parathion	56-38-2	Phosphorothioic acid, 0,0-diethyl 0-(4-nitrophenyl) ester	8141 8270	0.5 10
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	8270	10
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-	8270	20
Pentachlorophenol	87-86-5	Phenol, pentachloro-	8040 8270	5 50
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenl)	8270	20
Phenanthrene	85-01-8	Phenanthrene	8100 8270	200 10
Phenol	108-95-2	Phenol	8040	1
p-Phenylenediamine	106-50-3	1,4-Benzenediamine	8270	10
Phorate	298-02-2	Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl]ester	8140 8141 8270	2 0.5 10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
Polychlorinated biphenyls; PCBs; Aroclors	See Note 9	1,1[prime]-Biphenyl, chloroderivatives	8080 8270	50 200
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	8270	10
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	8015 8260	60 150
Pyrene	129-00-0	Pyrene	8100 8270	200 10
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	8270	10
Selenium	(Total)	Selenium	6010 7740 7741	750 20 20
Silver	(Total)	Silver	6010 7760 7761	70 100 10
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	8150	2
Styrene	100-42-5	Benzene, ethenyl-	8020 8021 8260	1 0.1 10
Sulfide	18496-25-8	Sulfide	9030	4000
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	8150	2
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-	8270	10
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-	8010 8021 8260	5 0.05 5
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	8010 8021 8260	0.5 0.1 5
Tetrachloroethylene; Tetrachloroethene; Perchloroethylene	127-18-4	Ethene, tetrachloro-	8010 8021 8260	0.5 0.5 5

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (µg/L)[6]
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	8270	10
Thallium	(Total)	Thallium	6010 7840 7841	400 1000 10
Tin	(Total)	Tin	6010	40
Toluene	108-88-3	Benzene, methyl-	8020 8021 8260	2 0.1 5
o-Toluidine	95-53-4	Benzenamine, 2-methyl-	8270	10
Toxaphene	See Note 10	Toxaphene	8080	2
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-	8021 8120 8260 8270	0.3 0.5 10 10
1,1,1-Trichloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1-trichloro-	8010 8021 8260	0.3 0.3 5
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	8010 8260	0.2 5
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-	8010 8021 8260	1 0.2 5
Trichlorofluoromethane; CFC-11	75-69-4	Methane, trichlorofluoro-	8010 8021 8260	10 0.3 5
2,4,5-Trichlorophenol	95-95-4	Phenol, 2,4,5-trichloro-	8270	10
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	8040 8270	5 10
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	8010 8021 8260	10 5 15
0,0,0-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, 0,0,0-triethyl ester	8270	10
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-	8270	10

Common Name[2]	CAS RN[3]	Chemical abstracts index name[4]	Suggested Method[5]	PQL (μg/L)[6]
Vanadium	(Total)	Vanadium	6010 7910 7911	80 2000 40
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	8260	50
Vinyl chloride; Chloroethene	75-01-4	Ethene, chloro-	8010 8021 8260	2 0.4 10
Xylene (total)	See Note 11	Benzene, dimethyl-	8020 8021 8260	5 0.2 5
Zinc	(Total)	Zinc	6010 7950 7951	20 50 0.5

Notes:

[1]The regulatory requirements pertain only to the list of substances; the right-hand columns (Methods and PQL) are given for informational purposes only. See also footnotes 5 and 6.

[2]Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[3]Chemical Abstracts Service registry number. Where "Total" is entered, all species in the groundwater that contain this element are included.

[4]CAS index names are those used in the 9th Collective Index.

[5]Suggested Methods refer to analytical procedure numbers used in EPA Report SW-846 "Test Methods for Evaluating Solid Waste," third edition, November 1986, as revised, December 1987. Analytical details can be found in SW-846 and in documentation on file at the agency. CAUTION: The methods listed are representative SW-846 procedures and may not always be the most suitable method(s) for monitoring an analyte under the regulations.

[6]Practical Quantitation Limits (PQLs) are the lowest concentrations of analytes in groundwaters that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The PQLs listed are generally stated to one significant figure. PQLs are based on 5 mL samples for volatile organics and 1 L samples for semivolatile organics. CAUTION: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not a part of the regulation.

[7]This substance is often called Bis(2-chloroisopropyl) ether, the name Chemical Abstracts Service applies to its noncommercial isomer, Propane, 2,2[sec]-oxybis[2-chloro- (CAS RN 39638-32-9).

[8]Chlordane: This entry includes alpha-chlordane (CAS RN 5103-71-9), beta-chlordane (CAS RN 5103-74-2), gamma-chlordane (CAS RN 5566-34-7), and constituents of chlordane (CAS RN 57-74-9 and CAS RN 12789-03-6). PQL shown is for technical chlordane. PQLs of specific isomers are about 20 μg/L by method 8270.

[9]Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor 1016 (CAS RN 12674-11-2), Aroclor 1221 (CAS RN 11104-28-2), Aroclor 1232 (CAS RN 11141-16-5), Aroclor 1242 (CAS RN 53469-21-9), Aroclor 1248 (CAS RN 12672-29-6), Aroclor 1254 (CAS RN 11097-69-1), and Aroclor 1260 (CAS RN 11096-82-5). The PQL shown is an average value for PCB congeners.

[10]Toxaphene: This entry includes congener chemicals contained in technical toxaphene (CAS RN 8001-35-2), i.e., chlorinated camphene.

[11]Xylene (total): This entry includes o-xylene (CAS RN 96-47-6), m-xylene (CAS RN 108-38-3), p-xylene (CAS RN 106-42-3), and unspecified xylenes (dimethylbenzenes) (CAS RN 1330-20-7). PQLs for method 8021 are 0.2 μg/L for o-xylene and 0.1 for m- or p-xylene. The PQL for m-xylene is 2.0 μg/L by method 8020 or 8260.

These rules are intended to implement Iowa Code section 455B.304.

[Filed 11/21/02, Notice 9/18/02—published 12/11/02, effective 1/15/03]
[Filed 6/14/07, Notice 12/6/06—published 7/4/07, effective 10/1/07[1]]
[Filed 12/10/08, Notice 6/4/08—published 12/31/08, effective 2/4/09]
[Editorial change: IAC Supplement 2/25/09]

[1] Effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.

OBJECTION

At its February 6, 2009 meeting the Administrative Rules Review Committee voted to object to the provisions of ARC 7474B relating to the closure of existing landfills. This filing appears in IAB Vol. XXXI, No. 14 (12-31-2008). The committee takes this action pursuant to the authority of §17A.4(5).

This rulemaking attempted to resolve issues raised by a Committee objection imposed in December, 2007. Although the Commission has made a serious effort to resolve the issues surrounding the 2007 rulemaking, the Committee believes the main underlying issue in the 2007 objection remains: that ARC 7474B is unreasonable because projects that were designed and constructed in accordance with rules in effect at the time of construction cannot be required to be redesigned or reconstructed due to subsequent rule changes unless the department finds that such facilities are causing pollution. That principle was set out in a "grandfather" clause which first appeared in an earlier rule and while it remains in place it has been restricted in the current filing. This filing continues to impose new requirements on facilities properly designed, constructed and permitted under the earlier rules. The committee believes the right conferred in the earlier rule cannot be extinguished or conditioned.

Objection filed February 10, 2009

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

[Prior to 12/23/92, see Disaster Services Division[607]; renamed Emergency Management Division by 1992 Iowa Acts, chapter 1139, section 21]
[Prior to 3/31/04, see Emergency Management Division[605]; renamed Homeland Security and Emergency Management Division by 2003 Iowa Acts, chapter 179, section 157]

CHAPTER 1
ORGANIZATION

1.1(29C) Description
1.2(29C) Definitions

CHAPTER 2
PETITIONS FOR RULE MAKING
(Uniform Rules)

2.1(17A) Petition for rule making
2.2(17A) Briefs
2.3(17A) Inquiries
2.4(17A) Consideration

CHAPTER 3
DECLARATORY ORDERS
(Uniform Rules)

3.1(17A) Petition for declaratory order
3.2(17A) Notice of petition
3.3(17A) Intervention
3.4(17A) Briefs
3.5(17A) Inquiries
3.6(17A) Service and filing of petitions and other papers
3.7(17A) Consideration
3.8(17A) Action on petition
3.9(17A) Refusal to issue order
3.10(17A) Contents of declaratory order—effective date
3.11(17A) Copies of orders
3.12(17A) Effect of a declaratory order

CHAPTER 4
AGENCY PROCEDURE FOR RULE MAKING
(Uniform Rules)

4.1(17A) Adoption by reference

CHAPTER 5
FAIR INFORMATION PRACTICES
(Uniform Rules)

5.1(17A) Adoption by reference
5.9(17A,22) Federal records

CHAPTER 6
CONTESTED CASES

6.1(17A) Scope and applicability
6.2(17A) Definitions
6.3(17A) Time requirements
6.4(17A) Requests for contested case proceeding
6.5(17A) Notice of hearing
6.6(17A) Presiding officer

6.7(17A) Waiver of procedures
6.8(17A) Telephone proceedings
6.9(17A) Disqualification
6.10(17A) Consolidation—severance
6.11(17A) Pleadings
6.12(17A) Service and filing of pleadings and other papers
6.13(17A) Discovery
6.14(17A) Subpoenas
6.15(17A) Motions
6.16(17A) Prehearing conference
6.17(17A) Continuances
6.18(17A) Withdrawals
6.19(17A) Intervention
6.20(17A) Hearing procedures
6.21(17A) Evidence
6.22(17A) Default
6.23(17A) Ex parte communication
6.24(17A) Recording costs
6.25(17A) Interlocutory appeals
6.26(17A) Final decision
6.27(17A) Appeals and review
6.28(17A) Applications for rehearing
6.29(17A) Stays of agency actions
6.30(17A) No factual dispute contested cases
6.31(17A) Emergency adjudicative proceedings

CHAPTER 7
LOCAL EMERGENCY MANAGEMENT

7.1(29C) Scope and purpose
7.2(29C) Definitions
7.3(29C) Local emergency management commission
7.4(29C) Emergency management coordinator
7.5(29C) Local commission or joint commission personnel
7.6(29C) Damage assessment and financial assistance for disaster recovery
7.7(29C) Emergency management performance grant (EMPG) program

CHAPTER 8
CRITERIA FOR AWARDS OR GRANTS

8.1(29C,17A) Purpose
8.2(29C,17A) Definitions
8.3(29C,17A) Exceptions
8.4(29C,17A) Public notice of available competitive grants
8.5(29C,17A) Requirements
8.6(29C,17A) Review process (competitive applications only)
8.7(29C,17A) Opportunity for review and comment
8.8(29C,17A) Awards

CHAPTER 9
IOWA COMPREHENSIVE PLAN

9.1(29C) Description
9.2(29C) Part A: Iowa Emergency Response Plan
9.3(29C) Part B: Iowa Hazard Mitigation Plan
9.4(29C) Part C: Iowa Disaster Recovery Plan

CHAPTER 10
ENHANCED 911 TELEPHONE SYSTEMS

10.1(34A) Program description
10.2(34A) Definitions
10.3(34A) Joint E911 service boards
10.4(34A) Enhanced 911 service plan (wire-line)
10.5(34A) Referendum and surcharge (wire-line)
10.6(34A) Waivers, variance request, and right to appeal
10.7(34A) Enhanced wireless 911 service plan
10.8(34A) E911 surcharge (wireless)
10.9(34A) Wireless E911 emergency communications fund
10.10(34A) E911 surcharge exemptions
10.11(34A) E911 service fund
10.12(34A) Operating budgets
10.13(34A) Limitations on use of funds
10.14(34A) Minimum operational and technical standards
10.15(34A) Administrative hearings and appeals
10.16(34A) Confidentiality

CHAPTER 11
REPAIR, CALIBRATION, AND MAINTENANCE OF RADIOLOGICAL MONITORING, DETECTION, AND SURVEY EQUIPMENT

11.1(29C) Purpose
11.2(29C) Definitions
11.3(29C) Standards of service
11.4(29C) Contracts for services
11.5(29C) Application of fees
11.6(29C) Fees
11.7(29C) Returned check and late fees
11.8(29C) Records and reports

CHAPTER 12
HOMELAND SECURITY AND EMERGENCY RESPONSE TEAMS

12.1(29C) Purpose
12.2(29C) Definitions
12.3(29C) Homeland security and emergency response teams
12.4(29C) Use of homeland security and emergency response teams
12.5(29C) Homeland security and emergency response team compensation
12.6(29C) Alternate deployment of homeland security and emergency response teams

CHAPTER 13
COMMUNITY DISASTER GRANTS

13.1(29C,83GA,HF64) Purpose
13.2(29C,83GA,HF64) Eligibility
13.3(29C,83GA,HF64) Notification of eligibility
13.4(29C,83GA,HF64) Eligible use of the grant funds
13.5(29C,83GA,HF64) Allocation of grant funds
13.6(29C,83GA,HF64) Application for grant funds

CHAPTERS 14 to 99
Reserved

IOWA EMERGENCY RESPONSE COMMISSION

CHAPTER 100
MISSION OF COMMISSION

100.1(30) Mission

CHAPTER 101
OPERATIONS OF COMMISSION

101.1(17A) Scope
101.2(30) Membership
101.3(17A,21,30) Time of meetings
101.4(17A,21,30) Place of meetings
101.5(17A,21,30) Notification of meetings
101.6(17A,21,30) Attendance and participation by the public
101.7(17A,21,30) Quorum and voting requirements
101.8(17A,21,30) Minutes, transcripts and recording of meetings
101.9(17A,21,30) Officers and election

CHAPTER 102
EMERGENCY PLANNING DISTRICTS

102.1(30) Requirement to designate, and organization of, emergency planning districts
102.2(30) Emergency planning districts—counties
102.3(30) Application to modify districts

CHAPTER 103
LOCAL EMERGENCY PLANNING COMMITTEES

103.1(30) Requirement to appoint local emergency planning committees (LEPC)
103.2(30) Committee members
103.3(30) Local emergency planning committee (LEPC) duties
103.4(30) Emergency response plan development
103.5(30) Local emergency planning committee office
103.6(30) Local emergency response committee meetings
103.7(30) Local emergency response plan submission

CHAPTER 104
REQUIRED REPORTS AND RECORDS

104.1(30) Department of public defense, emergency management division
104.2(30) Department of natural resources

CHAPTER 13
COMMUNITY DISASTER GRANTS

605—13.1(29C,83GA,HF64) Purpose. In accordance with 2009 Iowa Acts, House File 64, the homeland security and emergency management division shall award disaster recovery grants to cities and counties based on their pro-rata share of damage costs associated with Presidential disaster declaration DR-1763-IA and incurred after May 24, 2008, and before August 14, 2008. The pro-rata share shall be based on the obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. The grant moneys shall be used by the eligible recipients for disaster-related costs not otherwise funded by federal or nonfederal sources. Each eligible city and county that completes and submits an application by April 1, 2009, shall receive a minimum of $2,000. Community disaster grants are not covered by the competitive grant procedures set forth in 605—Chapter 8.
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

605—13.2(29C,83GA,HF64) Eligibility. Eligible recipients are those cities and counties located within the declared counties for Presidential disaster declaration DR-1763-IA. The incident period for this disaster is from May 24, 2008, to August 14, 2008.
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

605—13.3(29C,83GA,HF64) Notification of eligibility.

13.3(1) The administrator shall notify each eligible recipient of the availability of funds and provide to the eligible recipient the associated application for grant funds. The notification shall also include an estimated allocation based on rule 13.5(29C,83GA,HF64).

13.3(2) The notification shall be made to the chairpersons of the board of supervisors for eligible counties and the mayors of eligible cities.

13.3(3) The notification shall specify that all applications shall be mailed to the Iowa Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Building W-4, Johnston, Iowa 50131.

13.3(4) All applications shall be received by the division no later than April 1, 2009. Applications received after April 1, 2009, will be rejected, and no grant funding will be provided to the applicant. The applicant's allocated funds will be allocated on a pro-rata share basis amongst the applications that were received in a timely manner and in accordance with rule 13.5(29C,83GA,HF64).
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

605—13.4(29C,83GA,HF64) Eligible use of the grant funds.

13.4(1) Moneys awarded under this grant program shall be used by the recipient for disaster-related costs not otherwise funded by federal or nonfederal sources and may be used for any of the following purposes:

a. Nonprofit organization assistance.

b. Assistance for the public purchase of land and accompanying structures if financial assistance for such purchases is not available from the Federal Emergency Management Agency or when a nonfederal match is required for a grant involved in the public purchase of land and accompanying structures.

c. Assistance for the repair, replacement, or upgrade of public infrastructure damaged by the disaster, including measures to assist in the mitigation of future damage due to natural disasters.

d. Assistance for the increased costs associated with the reevaluation and assessment of property due to the natural disasters occurring in 2008.

e. Small business assistance.

f. Assistance for the replacement or rehabilitation of housing.

13.4(2) The associated chairperson or mayor shall certify that funds received in accordance with this grant will be used for disaster-related costs not otherwise funded from a federal or nonfederal source.

13.4(3) Any funds not spent in accordance with the eligible uses as defined in this rule will be subject to recoupment by the division.
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

605—13.5(29C,83GA,HF64) Allocation of grant funds.

13.5(1) The preliminary allocation of grant funds shall be conducted on February 2, 2009. This allocation shall be based on a pro-rata share of each eligible recipient's disaster damage costs associated with Presidential disaster declaration DR-1763-IA as calculated by obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. Each eligible recipient shall be allocated at least $2,000.

13.5(2) The final allocation of funds shall be conducted on April 2, 2009. An eligible recipient shall be considered a qualified recipient only if the recipient has completed and submitted the approved application on or before April 1, 2009. The allocation shall be based on a pro-rata share of each qualified recipient's disaster damage costs associated with Presidential disaster declaration DR-1763-IA as calculated by obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. Each qualified recipient shall receive at least $2,000.
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

605—13.6(29C,83GA,HF64) Application for grant funds.

13.6(1) The application for the grant funds allocated according to these rules shall include the following information:

a. The name of the city or county making the request.

b. The county in which the city is located.

c. The name of the mayor or chairperson of the board of supervisors who will sign the application.

d. The address of the recipient.

e. Specifications for individual projects that the recipient has selected for grant funding to include the following:

(1) Category of the individual project in accordance with rule 13.4(29C,83GA,HF64);

(2) Narrative of proposed work to be completed;

(3) Anticipated costs, including detail of major cost elements;

(4) Time line of milestones and a completion date of the project no later than June 30, 2010;

(5) Detail of governance structure used to administer the funds for the recipient, including designation of community disaster grant manager;

(6) Performance measures and basis of evaluation for project.

13.6(2) The application shall require the recipient to certify that the projects listed in the application are for disaster-related costs that have not otherwise been funded from other federal or nonfederal sources.

13.6(3) The application shall require the recipient to certify that the recipient will submit a written report to Iowa homeland security and emergency management by January 1, 2010, specifying the allocation and uses of the moneys received from this grant.

13.6(4) The application shall require the recipient to certify that the recipient understands these funds may be subject to audit by the state auditor.

13.6(5) The application will be created by the division and included in the initial notification as specified in rule 13.3(29C,83GA,HF64). Additionally, the division will make the application and these rules available on the division's Web site, www.iowahomelandsecurity.org.
[**ARC 7580B**, IAB 2/25/09, effective 2/2/09]

These rules are intended to implement Iowa Code chapter 29C and 2009 Iowa Acts, House File 64, section 8.

[Filed Emergency ARC 7580B, IAB 2/25/09, effective 2/2/09]

CHAPTERS 14 to 99
Reserved

CHAPTER 28
PLUMBING AND MECHANICAL SYSTEMS LICENSURE FEES

641—28.1(105) Fees. All fees are nonrefundable.

28.1(1) License fee for:

a. An apprentice license as defined in 641—subrule 29.2(1) is $50.

b. A journey license as defined in 641—subrule 29.2(2) is $100.

c. A master license as defined in 641—subrule 29.2(3) is $250.

d. A combined license is the sum total of each of the separate license fees.

e. A medical gas pipe certificate as defined in 641—29.3(105) is $50.

f. An inactive license as defined in 641—subrule 29.2(4) is $50.

28.1(2) Reciprocal license fee for:

a. An apprentice license as defined in 641—subrule 29.2(1) is $50.

b. A journey license as defined in 641—subrule 29.2(2) is $100.

c. A master license as defined in 641—subrule 29.2(3) is $250.

d. A combined license is the sum total of each of the separate license fees. **[See Objection at end of chapter]**

e. A medical gas pipe certificate as defined in 641—29.3(105) is $50.

28.1(3) Renewal license fee for:

a. An apprentice license as defined in 641—subrule 29.2(1) is $50.

b. A journey license as defined in 641—subrule 29.2(2) is $100.

c. A master license as defined in 641—subrule 29.2(3) is $250.

d. A combined license is the sum total of each of the separate license fees. **[See Objection at end of chapter]**

e. A medical gas pipe certificate as defined in 641—29.3(105) is $50.

f. An inactive license as defined in 641—subrule 29.2(4) is $50.

28.1(4) The examination application fee is $35.

28.1(5) A late fee for failure to renew before expiration is determined as follows:

a. A licensee who allows a license to lapse for one month or less may reinstate and renew the license without examination upon payment of a $60 late fee and appropriate renewal of license fee.

b. A licensee who allows a license to lapse for more than one month but less than two months may reinstate and renew the license without examination upon payment of a late fee equivalent to the appropriate license fee and appropriate renewal of license fee.

c. A licensee who allows a license to lapse for more than two months is required to retake and pass the applicable licensing examination and pay the appropriate renewal of license fee in order to obtain reinstatement. A licensee whose license has lapsed continues to hold the privilege of licensure in Iowa, but may not work as a plumbing or mechanical professional in Iowa until the license is renewed. A licensee who works as a plumbing or mechanical professional in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

28.1(6) The duplicate or reissued license certificate or wallet card fee is $20.

28.1(7) The fee for written verification of licensee status is $20.

28.1(8) The returned check fee is $25.

28.1(9) The disciplinary hearing fee is a maximum of $75.

28.1(10) The paper application fee is $25 plus the appropriate license fee. **[See Objection at end of chapter]**

[Editorial change: IAC Supplement 2/25/09]

641—28.2(105) Biennial review of fee schedule. Commencing July 2010 and every biennium thereafter, the plumbing and mechanical systems examining board shall review its revenue, including amounts generated from licensure fees set forth in this chapter, and its expenses for purposes of revisiting and reevaluating the fee structures.

These rules are intended to implement Iowa Code chapters 105 and 272C.

[Filed emergency 12/23/08 after Notice 11/5/08—published 1/14/09, effective 1/1/09]
[Editorial change: IAC Supplement 2/25/09]

OBJECTION

At its February 6, 2009 meeting the Administrative Rules Review Committee voted two separate objections to certain provisions of ARC 7516B relating to plumbing and mechanical systems licensure. This filing appears in IAB Vol. XXXI, No. 15 (01-14-09). The committee takes this action pursuant to the authority of §17A.4(5).

The committee objects to paragraphs 28.1(2)"d" and (3)"d" relating to the total fee for combined licenses. Committee members believe that it is unreasonable, and imposes an unnecessary hardship, to charge the face value of each license for individuals who need combined licenses.

The committee also objects to paragraph 28.1(10) which imposes a twenty-five dollar surcharge for applicants who file paper applications instead of electronic. Committee members believe that it is unreasonable to impose a penalty on individuals who may not have access to, or have the expertise to use internet-based application and payment procedures.

Objection filed February 10, 2009

PROFESSIONAL LICENSURE DIVISION[645]

Created within the Department of Public Health[641] by 1986 Iowa Acts, chapter 1245.
Prior to 7/29/87, for Chs. 20 to 22 see Health Department[470] Chs. 152 to 154.

CHAPTERS 1 to 3
Reserved

CHAPTER 4
BOARD ADMINISTRATIVE PROCESSES

4.1(17A) Definitions
4.2(17A) Purpose of board
4.3(17A,147,272C) Organization of board and proceedings
4.4(17A) Official communications
4.5(17A) Office hours
4.6(21) Public meetings
4.7(147) Licensure by reciprocal agreement
4.8(147) Duplicate certificate or wallet card
4.9(147) Reissued certificate or wallet card
4.10(17A,147,272C) License denial
4.11(272C) Audit of continuing education report
4.12(272C) Automatic exemption
4.13(272C) Grounds for disciplinary action
4.14(272C) Continuing education exemption for disability or illness
4.15(147,272C) Order for physical, mental, or clinical competency examination or alcohol or drug screening

CHAPTER 5
FEES

5.1(147,152D) Athletic training license fees
5.2(147,158) Barbering license fees
5.3(147,154D) Behavioral science license fees
5.4(151) Chiropractic license fees
5.5(147,157) Cosmetology arts and sciences license fees
5.6(147,152A) Dietetics license fees
5.7(147,154A) Hearing aid dispensers license fees
5.8(147) Massage therapy license fees
5.9(147,156) Mortuary science license fees
5.10(147,155) Nursing home administrators license fees
5.11(147,148B) Occupational therapy license fees
5.12(147,154) Optometry license fees
5.13(147,148A) Physical therapy license fees
5.14(148C) Physician assistants license fees
5.15(147,149) Podiatry license fees
5.16(147,154B) Psychology license fees
5.17(147,152B) Respiratory care license fees
5.18(147,154E) Sign language interpreters and transliterators license fees
5.19(147,154C) Social work license fees
5.20(147) Speech pathology and audiology license fees

CHAPTER 6
PETITIONS FOR RULE MAKING

6.1(17A) Petition for rule making
6.2(17A) Inquiries

CHAPTER 7
AGENCY PROCEDURE FOR RULE MAKING

7.1(17A) Adoption by reference

CHAPTER 8
DECLARATORY ORDERS
(Uniform Rules)

8.1(17A) Petition for declaratory order
8.2(17A) Notice of petition
8.3(17A) Intervention
8.5(17A) Inquiries

CHAPTER 9
COMPLAINTS AND INVESTIGATIONS

9.1(272C) Complaints
9.2(272C) Report of malpractice claims or actions or disciplinary actions
9.3(272C) Report of acts or omissions
9.4(272C) Investigation of complaints or reports
9.5(17A,272C) Issuance of investigatory subpoenas
9.6(272C) Peer review committees
9.7(17A) Appearance

CHAPTER 10
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

10.1(17A,22) Definitions
10.3(17A,22) Requests for access to records
10.5(17A,22) Request for treatment of a record as a confidential record and its withholding from examination
10.6(17A,22) Procedures by which additions, dissents, or objections may be entered into certain records
10.9(17A,22) Disclosures without the consent of the subject
10.10(17A,22) Routine use
10.11(17A,22) Consensual disclosure of confidential records
10.12(17A,22) Release to subject
10.13(17A,22) Availability of records
10.14(17A,22) Personally identifiable information
10.15(22) Other groups of records routinely available for public inspection
10.16(17A,22) Applicability

CHAPTER 11
CONTESTED CASES

11.1(17A) Scope and applicability
11.2(17A) Definitions
11.3(17A) Time requirements
11.4(17A) Probable cause
11.5(17A) Legal review
11.6(17A) Statement of charges and notice of hearing
11.7(17A,272C) Legal representation

11.8(17A,272C) Presiding officer in a disciplinary contested case
11.9(17A) Presiding officer in a nondisciplinary contested case
11.10(17A) Disqualification
11.11(17A) Consolidation—severance
11.12(17A) Answer
11.13(17A) Service and filing
11.14(17A) Discovery
11.15(17A,272C) Issuance of subpoenas in a contested case
11.16(17A) Motions
11.17(17A) Prehearing conferences
11.18(17A) Continuances
11.19(17A,272C) Hearing procedures
11.20(17A) Evidence
11.21(17A) Default
11.22(17A) Ex parte communication
11.23(17A) Recording costs
11.24(17A) Interlocutory appeals
11.25(17A) Applications for rehearing
11.26(17A) Stays of agency actions
11.27(17A) No factual dispute contested cases
11.28(17A) Emergency adjudicative proceedings
11.29(17A) Appeal
11.30(272C) Publication of decisions
11.31(272C) Reinstatement
11.32(17A,272C) License denial

CHAPTER 12
INFORMAL SETTLEMENT
12.1(17A,272C) Informal settlement

CHAPTER 13
DISCIPLINE
13.1(272C) Method of discipline
13.2(272C) Discretion of board
13.3(272C) Conduct of persons attending meetings

CHAPTER 14
CHILD SUPPORT NONCOMPLIANCE
14.1(252J) Adoption by reference

CHAPTER 15
NONCOMPLIANCE OF LOAN REPAYMENT
15.1(261) Adoption by reference

CHAPTER 16
IMPAIRED PRACTITIONER REVIEW COMMITTEE
16.1(272C) Definitions
16.2(272C) Purpose
16.3(272C) Composition of the committee
16.4(272C) Organization of the committee
16.5(272) Eligibility
16.6(272C) Meetings
16.7(272C) Terms of participation

16.8(272C) Noncompliance
16.9(272C) Practice restrictions
16.10(272C) Limitations
16.11(272C) Confidentiality

CHAPTER 17
MATERIALS FOR BOARD REVIEW

17.1(147) Materials for board review

CHAPTER 18
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

18.1(17A,147,272C) Definitions
18.2(17A,147,272C) Scope of chapter
18.3(17A,147,272C) Applicability of chapter
18.4(17A,147,272C) Criteria for waiver or variance
18.5(17A,147,272C) Filing of petition
18.6(17A,147,272C) Content of petition
18.7(17A,147,272C) Additional information
18.8(17A,147,272C) Notice
18.9(17A,147,272C) Hearing procedures
18.10(17A,147,272C) Ruling
18.11(17A,147,272C) Public availability
18.12(17A,147,272C) Summary reports
18.13(17A,147,272C) Cancellation of a waiver
18.14(17A,147,272C) Violations
18.15(17A,147,272C) Defense
18.16(17A,147,272C) Judicial review

CHAPTERS 19 and 20
Reserved

BARBERS

CHAPTER 21
LICENSURE

21.1(158) Definitions
21.2(158) Requirements for licensure
21.3(158) Examination requirements for barbers and barber instructors
21.4 Reserved
21.5(158) Licensure by endorsement
21.6 Reserved
21.7(158) Temporary permits to practice barbering
21.8(158) Demonstrator's permit
21.9(158) License renewal
21.10 Reserved
21.11(158) Requirements for a barbershop license
21.12(158) Barbershop license renewal
21.13 to 21.15 Reserved
21.16(17A,147,272C) License reactivation
21.17(17A,147,272C) Reactivation of a barbershop license
21.18(17A,147,272C) License reinstatement

CHAPTER 22
SANITATION

22.1(158)	Definitions
22.2(158)	Posting of sanitation rules and inspection report
22.3(147)	Display of licenses
22.4(158)	Responsibilities of barbershop owner and supervisor
22.5(158)	Building standards
22.6(158)	Barbershops in residential buildings
22.7(158)	Barbershops adjacent to other businesses
22.8(142D,158)	Smoking
22.9(158)	Personal cleanliness
22.10(158)	Universal precautions
22.11(158)	Minimum equipment and supplies
22.12(158)	Disinfecting nonelectrical instruments and equipment
22.13(158)	Disinfecting electrical instruments
22.14(158)	Instruments and supplies that cannot be disinfected
22.15(158)	Semisolids, dusters, and styptics
22.16(158)	Disposal of materials
22.17(158)	Prohibited hazardous substances and use of products
22.18(158)	Proper protection of neck
22.19(158)	Proper laundering and storage
22.20(158)	Pets
22.21(158)	Records

CHAPTER 23
BARBER SCHOOLS

23.1(158)	Definitions
23.2(158)	Licensing for barber schools
23.3(158)	School license renewal
23.4(272C)	Inactive school license
23.5	Reserved
23.6(158)	Physical requirements for barber schools
23.7(158)	Minimum equipment requirements
23.8(158)	Course of study requirements
23.9(158)	Instructors
23.10(158)	Students
23.11(158)	Attendance requirements
23.12(158)	Graduate of a barber school
23.13(147)	Records requirements
23.14(158)	Public notice
23.15(158)	Apprenticeship

CHAPTER 24
CONTINUING EDUCATION FOR BARBERS

24.1(158)	Definitions
24.2(158)	Continuing education requirements
24.3(158,272C)	Standards

CHAPTER 25
DISCIPLINE FOR BARBERS, BARBER INSTRUCTORS,
BARBERSHOPS AND BARBER SCHOOLS

25.1(158)	Definitions
25.2(272C)	Grounds for discipline

25.3(158,272C) Method of discipline
25.4(272C) Discretion of board

CHAPTERS 26 to 30
Reserved

BEHAVIORAL SCIENTISTS

CHAPTER 31
LICENSURE OF MARITAL AND FAMILY THERAPISTS
AND MENTAL HEALTH COUNSELORS

31.1(154D) Definitions
31.2(154D) Requirements for licensure
31.3(154D) Examination requirements
31.4(154D) Educational qualifications for marital and family therapists
31.5(154D) Clinical experience requirements for marital and family therapists
31.6(154D) Educational qualifications for mental health counselors
31.7(154D) Clinical experience requirements for mental health counselors
31.8(154D) Licensure by endorsement
31.9 Reserved
31.10(147) License renewal
31.11 Reserved
31.12(147) Licensee record keeping
31.13 to 31.15 Reserved
31.16(17A,147,272C) License reactivation
31.17(17A,147,272C) License reinstatement
31.18(154D) Marital and family therapy and mental health counselor services subject to regulation

CHAPTER 32
CONTINUING EDUCATION FOR MARITAL AND
FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

32.1(272C) Definitions
32.2(272C) Continuing education requirements
32.3(154D,272C) Standards
32.4(154D,272C) Audit of continuing education report

CHAPTER 33
DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS
AND MENTAL HEALTH COUNSELORS

33.1(154D) Definitions
33.2(154D,272C) Grounds for discipline
33.3(147,272C) Method of discipline
33.4(272C) Discretion of board

CHAPTERS 34 to 40
Reserved

CHIROPRACTIC

CHAPTER 41
LICENSURE OF CHIROPRACTIC PHYSICIANS

41.1(151) Definitions
41.2(151) Requirements for licensure
41.3(151) Examination requirements

41.4(151) Educational qualifications
41.5(151) Temporary certificate
41.6(151) Licensure by endorsement
41.7 Reserved
41.8(151) License renewal
41.9 to 41.13 Reserved
41.14(17A,147,272C) License reactivation
41.15(17A,147,272C) License reinstatement

CHAPTER 42
COLLEGES FOR CHIROPRACTIC PHYSICIANS

42.1(151) Definitions
42.2(151) Board-approved chiropractic colleges
42.3(151) Practice by chiropractic interns and chiropractic residents
42.4(151) Approved chiropractic preceptorship program
42.5(151) Approved chiropractic physician preceptors
42.6(151) Termination of preceptorship

CHAPTER 43
PRACTICE OF CHIROPRACTIC PHYSICIANS

43.1(151) Definitions
43.2(147,272C) Principles of chiropractic ethics
43.3(514F) Utilization and cost control review
43.4(151) Chiropractic insurance consultant
43.5(151) Acupuncture
43.6 Reserved
43.7(151) Adjunctive procedures
43.8(151) Physical examination
43.9(151) Gonad shielding
43.10(151) Record keeping
43.11(151) Billing procedures
43.12(151) Chiropractic assistants

CHAPTER 44
CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

44.1(151) Definitions
44.2(272C) Continuing education requirements
44.3(151,272C) Standards

CHAPTER 45
DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

45.1(151) Definitions
45.2(151,272C) Grounds for discipline
45.3(147,272C) Method of discipline
45.4(272C) Discretion of board

CHAPTERS 46 to 59
Reserved

COSMETOLOGISTS

CHAPTER 60
LICENSURE OF COSMETOLOGISTS, ELECTROLOGISTS, ESTHETICIANS, MANICURISTS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF COSMETOLOGY ARTS AND SCIENCES

60.1(157) Definitions
60.2(157) Requirements for licensure
60.3(157) Criteria for licensure in specific practice disciplines
60.4(157) Practice-specific training requirements
60.5(157) Licensure restrictions relating to practice
60.6(157) Consent form requirements
60.7(157) Licensure by endorsement
60.8(157) License renewal
60.9(157) Temporary permits
60.10 to 60.16 Reserved
60.17(17A,147,272C) License reactivation
60.18(17A,147,272C) License reinstatement

CHAPTER 61
LICENSURE OF SALONS AND SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES

61.1(157) Definitions
61.2(157) Salon licensing
61.3(157) Salon license renewal
61.4(272C) Inactive salon license
61.5(157) Display requirements for salons
61.6(147) Duplicate certificate or wallet card for salons
61.7(157) Licensure for schools of cosmetology arts and sciences
61.8(157) School license renewal
61.9(272C) Inactive school license
61.10(157) Display requirements for schools
61.11 Reserved
61.12(157) Physical requirements for schools of cosmetology arts and sciences
61.13(157) Minimum equipment requirements
61.14(157) Course of study requirements
61.15(157) Instructors
61.16(157) Student instructors
61.17(157) Students
61.18(157) Attendance requirements
61.19(157) Accelerated learning
61.20(157) Mentoring program
61.21(157) Graduate of a school of cosmetology arts and sciences
61.22(157) Records requirements
61.23(157) Classrooms used for other educational purposes
61.24(157) Public notice

CHAPTER 62
Reserved

CHAPTER 63
SANITATION FOR SALONS AND SCHOOLS OF
COSMETOLOGY ARTS AND SCIENCES

63.1(157) Definitions
63.2(157) Posting of sanitation rules and inspection report
63.3 Reserved
63.4(157) Responsibilities of salon owners and independent contractors
63.5(157) Building standards
63.6(157) Salons in residential buildings
63.7(157) Salons adjacent to other businesses
63.8(157) Smoking
63.9(157) Personal cleanliness
63.10(157) Universal precautions
63.11(157) Minimum equipment and supplies
63.12(157) Disinfecting nonelectrical instruments and equipment
63.13(157) Disinfecting electrical instruments
63.14(157) Instruments and supplies that cannot be disinfected
63.15(157) Sterilizing instruments
63.16(157) Sanitary method for creams, cosmetics, dusters and styptics
63.17(157) Disposal of materials
63.18(157) Prohibited hazardous substances and use of products and equipment
63.19(157) Proper protection of neck
63.20(157) Proper laundering and storage
63.21(157) Pets
63.22(157) Workstations
63.23(157) Records
63.24(157) Salons providing electrology or esthetics
63.25(157) Cleaning and disinfecting whirlpool foot spas and hydrotherapy baths

CHAPTER 64
CONTINUING EDUCATION FOR COSMETOLOGY ARTS AND SCIENCES

64.1(157) Definitions
64.2(157) Continuing education requirements
64.3(157,272C) Standards

CHAPTER 65
DISCIPLINE FOR COSMETOLOGY ARTS AND SCIENCES LICENSEES,
INSTRUCTORS, SALONS, AND SCHOOLS

65.1(157,272C) Definitions
65.2(157,272C) Grounds for discipline
65.3(157,272C) Method of discipline
65.4(272C) Discretion of board
65.5(157) Civil penalties against nonlicensees

CHAPTERS 66 to 80
Reserved

DIETITIANS

CHAPTER 81
LICENSURE OF DIETITIANS

81.1(152A) Definitions
81.2(152A) Nutrition care
81.3(152A,272C) Principles

81.4(152A) Requirements for licensure
81.5(152A) Educational qualifications
81.6(152A) Supervised experience
81.7(152A) Licensure by endorsement
81.8 Reserved
81.9(152A) License renewal
81.10 to 81.14 Reserved
81.15(17A,147,272C) License reactivation
81.16(17A,147,272C) License reinstatement

CHAPTER 82
CONTINUING EDUCATION FOR DIETITIANS
82.1(152A) Definitions
82.2(152A) Continuing education requirements
82.3(152A,272C) Standards

CHAPTER 83
DISCIPLINE FOR DIETITIANS
83.1(152A) Definitions
83.2(152A,272C) Grounds for discipline
83.3(152A,272C) Method of discipline
83.4(272C) Discretion of board

CHAPTERS 84 to 99
Reserved

FUNERAL DIRECTORS

CHAPTER 100
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS
100.1(156) Definitions
100.2(156) Funeral director duties
100.3(156) Permanent identification tag
100.4(142,156) Removal and transfer of dead human remains and fetuses
100.5(135,144) Burial transit permits
100.6(156) Prepreparation and embalming activities
100.7(156) Arranging and directing funeral and memorial ceremonies
100.8(142,156) Unclaimed dead human remains for scientific use
100.9(144) Disinterments
100.10(156) Cremation of human remains and fetuses

CHAPTER 101
LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS
101.1(156) Definitions
101.2(156) Requirements for licensure
101.3(156) Educational qualifications
101.4(156) Examination requirements
101.5(147,156) Internship and preceptorship
101.6(156) Student practicum
101.7(156) Funeral establishment license or cremation establishment license or both establishment licenses
101.8(156) Licensure by endorsement

101.9 Reserved
101.10(156) License renewal
101.11 and 101.12 Reserved
101.13(272C) Renewal of a funeral establishment license or cremation establishment license or both establishment licenses
101.14(272C) Inactive funeral establishment license or cremation establishment license or both establishment licenses
101.15(17A,147,272C) License reinstatement
101.16 and 101.17 Reserved
101.18(17A,147,272C) License reactivation
101.19(17A,147,272C) License reinstatement

CHAPTER 102
CONTINUING EDUCATION FOR FUNERAL DIRECTORS

102.1(272C) Definitions
102.2(272C) Continuing education requirements
102.3(156,272C) Standards

CHAPTER 103
DISCIPLINARY PROCEEDINGS

103.1(156) Definitions
103.2(17A,147,156,272C) Disciplinary authority
103.3(17A,147,156,272C) Grounds for discipline against funeral directors
103.4(17A,147,156,272C) Grounds for discipline against funeral establishments and cremation establishments
103.5(17A,147,156,272C) Method of discipline
103.6(17A,147,156,272C) Board discretion in imposing disciplinary sanctions
103.7(156) Order for mental, physical, or clinical competency examination or alcohol or drug screening
103.8(17A,147,156,272C) Informal discussion

CHAPTER 104
ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

104.1(156) Civil penalties against nonlicensees
104.2(156) Unlawful practices
104.3(156) Investigations
104.4(156) Subpoenas
104.5(156) Notice of intent to impose civil penalties
104.6(156) Requests for hearings
104.7(156) Factors to consider
104.8(156) Enforcement options

CHAPTERS 105 to 120
Reserved

HEARING AID DISPENSERS

CHAPTER 121
LICENSURE OF HEARING AID DISPENSERS

121.1(154A) Definitions
121.2(154A) Temporary permits
121.3(154A) Supervision requirements
121.4(154A) Requirements for initial licensure
121.5(154A) Examination requirements

121.6(154A) Licensure by endorsement
121.7 Reserved
121.8(154A) Display of license
121.9(154A) License renewal
121.10 to 121.13 Reserved
121.14(17A,147,272C) License reactivation
121.15(17A,147,272C) License reinstatement

CHAPTER 122
CONTINUING EDUCATION FOR HEARING AID DISPENSERS

122.1(154A) Definitions
122.2(154A) Continuing education requirements
122.3(154A,272C) Standards

CHAPTER 123
Reserved

CHAPTER 124
DISCIPLINE FOR HEARING AID DISPENSERS

124.1(154A,272C) Definitions
124.2(154A,272C) Grounds for discipline
124.3(154A,272C) Method of discipline
124.4(272C) Discretion of board

CHAPTERS 125 to 130
Reserved

MASSAGE THERAPISTS

CHAPTER 131
LICENSURE OF MASSAGE THERAPISTS

131.1(152C) Definitions
131.2(152C) Requirements for licensure
131.3(152C) Educational qualifications
131.4(152C) Examination requirements
131.5(152C) Temporary licensure of a licensee from another state
131.6(152C) Licensure by endorsement
131.7 Reserved
131.8(152C) License renewal
131.9 to 131.13 Reserved
131.14(17A,147,272C) License reactivation
131.15(17A,147,272C) License reinstatement

CHAPTER 132
MASSAGE THERAPY EDUCATION CURRICULUM

132.1(152C) Definitions
132.2(152C) Application for approval of massage therapy education curriculum
132.3(152C) Curriculum requirements
132.4(152C) Student clinical practicum standards
132.5(152C) School certificate or diploma
132.6(152C) School records retention
132.7(152C) Massage school curriculum compliance
132.8(152C) Denial or withdrawal of approval

CHAPTER 133
CONTINUING EDUCATION FOR MASSAGE THERAPISTS

133.1(152C) Definitions
133.2(152C) Continuing education requirements
133.3(152C,272C) Continuing education criteria

CHAPTER 134
DISCIPLINE FOR MASSAGE THERAPISTS

134.1(152C) Definitions
134.2(152C,272C) Grounds for discipline
134.3(147,272C) Method of discipline
134.4(272C) Discretion of board
134.5(152C) Civil penalties

CHAPTERS 135 to 140
Reserved

NURSING HOME ADMINISTRATORS

CHAPTER 141
LICENSURE OF NURSING HOME ADMINISTRATORS

141.1(155) Definitions
141.2(155) Requirements for licensure
141.3(147,155) Examination requirements
141.4(155) Educational qualifications
141.5(155) Practicum experience
141.6(155) Provisional administrator
141.7(155) Licensure by endorsement
141.8(147,155) Licensure by reciprocal agreement
141.9(147,155) License renewal
141.10 to 141.14 Reserved
141.15(17A,147,272C) License reactivation
141.16(17A,147,272C) License reinstatement

CHAPTER 142
Reserved

CHAPTER 143
CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION

143.1(272C) Definitions
143.2(272C) Continuing education requirements
143.3(155,272C) Standards
143.4(155,272C) Audit of continuing education report
143.5(155,272C) Automatic exemption
143.6(272C) Continuing education exemption for disability or illness
143.7(155,272C) Grounds for disciplinary action

CHAPTER 144
DISCIPLINE FOR NURSING HOME ADMINISTRATORS

144.1(155) Definitions
144.2(155,272C) Grounds for discipline
144.3(155,272C) Method of discipline

144.4(272C) Discretion of board
144.5(155) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTERS 145 to 179
Reserved

OPTOMETRISTS

CHAPTER 180
LICENSURE OF OPTOMETRISTS
180.1(154) Definitions
180.2(154) Requirements for licensure
180.3(154) Licensure by endorsement
180.4 Reserved
180.5(154) License renewal
180.6 to 180.10 Reserved
180.11(17A,147,272C) License reactivation
180.12(17A,147,272C) License reinstatement

CHAPTER 181
CONTINUING EDUCATION FOR OPTOMETRISTS
181.1(154) Definitions
181.2(154) Continuing education requirements
181.3(154,272C) Standards

CHAPTER 182
PRACTICE OF OPTOMETRISTS
182.1(154) Code of ethics
182.2(154,272C) Record keeping
182.3(154) Furnishing prescriptions
182.4(155A) Prescription drug orders

CHAPTER 183
DISCIPLINE FOR OPTOMETRISTS
183.1(154) Definitions
183.2(154,272C) Grounds for discipline
183.3(147,272C) Method of discipline
183.4(272C) Discretion of board

CHAPTERS 184 to 199
Reserved

PHYSICAL AND OCCUPATIONAL THERAPISTS

CHAPTER 200
LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
200.1(147) Definitions
200.2(147) Requirements for licensure
200.3 Reserved
200.4(147) Examination requirements for physical therapists and physical therapist assistants
200.5(147) Educational qualifications
200.6(272C) Supervision requirements
200.7(147) Licensure by endorsement
200.8 Reserved

200.9(147) License renewal
200.10 to 200.14 Reserved
200.15(17A,147,272C) License reactivation
200.16(17A,147,272C) License reinstatement

CHAPTER 201
PRACTICE OF PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS
201.1(148A,272C) Code of ethics for physical therapists and physical therapist assistants
201.2(147) Record keeping

CHAPTER 202
DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
202.1(148A) Definitions
202.2(272C) Grounds for discipline
202.3(147,272C) Method of discipline
202.4(272C) Discretion of board

CHAPTER 203
CONTINUING EDUCATION FOR PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS
203.1(272C) Definitions
203.2(148A) Continuing education requirements
203.3(148A,272C) Standards

CHAPTERS 204 and 205
Reserved

CHAPTER 206
LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS
206.1(147) Definitions
206.2(147) Requirements for licensure
206.3(147) Limited permit to practice pending licensure
206.4(147) Applicant occupational therapist and occupational therapy assistant
206.5(147) Practice of occupational therapy limited permit holders and endorsement applicants prior to licensure
206.6(147) Examination requirements
206.7(147) Educational qualifications
206.8(272C) Supervision requirements
206.9(147) Occupational therapy assistant responsibilities
206.10(147) Licensure by endorsement
206.11 Reserved
206.12(147) License renewal
206.13 to 206.17 Reserved
206.18(17A,147,272C) License reactivation
206.19(17A,147,272C) License reinstatement

CHAPTER 207
CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS
207.1(148B) Definitions
207.2(272C) Continuing education requirements
207.3(148B,272C) Standards

CHAPTER 208
PRACTICE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

208.1(148B,272C) Code of ethics for occupational therapists and occupational therapy assistants
208.2(147) Record keeping

CHAPTER 209
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

209.1(148B) Definitions
209.2(272C) Grounds for discipline
209.3(147,272C) Method of discipline
209.4(272C) Discretion of board

CHAPTERS 210 to 219
Reserved

PODIATRISTS

CHAPTER 220
LICENSURE OF PODIATRISTS

220.1(149) Definitions
220.2(149) Requirements for licensure
220.3(149) Written examinations
220.4(149) Educational qualifications
220.5(149) Title designations
220.6(147,149) Temporary license
220.7(149) Licensure by endorsement
220.8 Reserved
220.9(149) License renewal
220.10 to 220.14 Reserved
220.15(17A,147,272C) License reactivation
220.16(17A,147,272C) License reinstatement

CHAPTER 221
Reserved

CHAPTER 222
CONTINUING EDUCATION FOR PODIATRISTS

222.1(149,272C) Definitions
222.2(149,272C) Continuing education requirements
222.3(149,272C) Standards

CHAPTER 223
PRACTICE OF PODIATRY

223.1(149) Definitions
223.2(149) Requirements for administering conscious sedation
223.3(139A) Preventing HIV and HBV transmission
223.4(149) Unlicensed graduate of a podiatric college

CHAPTER 224
DISCIPLINE FOR PODIATRISTS

224.1(149) Definitions
224.2(149,272C) Grounds for discipline

224.3(147,272C) Method of discipline
224.4(272C) Discretion of board

CHAPTERS 225 to 239
Reserved

PSYCHOLOGISTS

CHAPTER 240
LICENSURE OF PSYCHOLOGISTS

240.1(154B) Definitions
240.2(154B) Requirements for licensure
240.3(154B) Educational qualifications
240.4(154B) Examination requirements
240.5(154B) Title designations
240.6(154B) Supervised professional experience
240.7(154B) Certified health service provider in psychology
240.8(154B) Exemption to licensure
240.9(154B) Psychologists' supervision of unlicensed persons in a practice setting
240.10(147) Licensure by endorsement
240.11(147) Licensure by reciprocal agreement
240.12(147) License renewal
240.13 to 240.17 Reserved
240.18(17A,147,272C) License reactivation
240.19(17A,147,272C) License reinstatement

CHAPTER 241
CONTINUING EDUCATION FOR PSYCHOLOGISTS

241.1(272C) Definitions
241.2(272C) Continuing education requirements
241.3(154B,272C) Standards

CHAPTER 242
DISCIPLINE FOR PSYCHOLOGISTS

242.1(154B) Definitions
242.2(147,272C) Grounds for discipline
242.3(147,272C) Method of discipline
242.4(272C) Discretion of board
242.5(154B) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTERS 243 to 260
Reserved

RESPIRATORY CARE PRACTITIONERS

CHAPTER 261
LICENSURE OF RESPIRATORY CARE PRACTITIONERS

261.1(152B) Definitions
261.2(152B) Requirements for licensure
261.3(152B) Educational qualifications
261.4(152B) Examination requirements
261.5(152B) Students
261.6(152B) Licensure by endorsement
261.7 Reserved

261.8(152B) License renewal
261.9 to 261.13 Reserved
261.14(17A,147,272C) License reactivation
261.15(17A,147,272C) License reinstatement

CHAPTER 262
CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS
262.1(152B,272C) Definitions
262.2(152B,272C) Continuing education requirements
262.3(152B,272C) Standards
262.4(152B,272C) Audit of continuing education report
262.5(152B,272C) Automatic exemption
262.6(152B,272C) Grounds for disciplinary action
262.7(152B,272C) Continuing education exemption for disability or illness

CHAPTER 263
DISCIPLINE FOR RESPIRATORY CARE PRACTITIONERS
263.1(152B) Definitions
263.2(152B,272C) Grounds for discipline
263.3(147,272C) Method of discipline
263.4(272C) Discretion of board

CHAPTER 264
Reserved

CHAPTER 265
PRACTICE OF RESPIRATORY CARE PRACTITIONERS
265.1(152B,272C) Code of ethics
265.2(152B,272C) Intravenous administration

CHAPTERS 266 to 278
Reserved

SOCIAL WORKERS

CHAPTER 279
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF SOCIAL WORK EXAMINERS
279.1(17A) Definitions
279.2(17A) Purpose of board
279.3(17A,147,272C) Organization of board and proceedings
279.4(17A) Official communications
279.5(17A) Office hours
279.6(21) Public meetings

CHAPTER 280
LICENSURE OF SOCIAL WORKERS
280.1(154C) Definitions
280.2(154C) Social work services subject to regulation
280.3(154C) Requirements for licensure
280.4(154C) Written examination
280.5(154C) Educational qualifications
280.6(154C) Supervised professional practice for the LISW
280.7(154C) Licensure by endorsement
280.8(154C) Licensure by reciprocal agreement

280.9(154C) License renewal
280.10 and 280.11 Reserved
280.12(272C) Duplicate certificate or wallet card
280.13(17A,147,272C) License denial
280.14(17A,147,272C) License reactivation
280.15(17A,147,272C) License reinstatement

CHAPTER 281
CONTINUING EDUCATION FOR SOCIAL WORKERS
281.1(154C) Definitions
281.2(154C) Continuing education requirements
281.3(154C,272C) Standards
281.4(154C,272C) Audit of continuing education report
281.5(154C,272C) Automatic exemption
281.6(154C,272C) Continuing education exemption for disability or illness
281.7(154C,272C) Grounds for disciplinary action

CHAPTER 282
PRACTICE OF SOCIAL WORKERS
282.1(154C) Definitions
282.2(154C) Rules of conduct

CHAPTER 283
DISCIPLINE FOR SOCIAL WORKERS
283.1(154B) Definitions
283.2(272C) Grounds for discipline
283.3(147,272C) Method of discipline
283.4(272C) Discretion of board
283.5(154C) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 284
FEES
284.1(147,154C) License fees

CHAPTERS 285 to 299
Reserved

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

CHAPTER 300
LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS
300.1(147) Definitions
300.2(147) Speech pathology and audiology services subject to regulation
300.3(147) Requirements for licensure
300.4(147) Educational qualifications
300.5(147) Examination requirements
300.6(147) Temporary clinical license
300.7(147) Temporary permit
300.8(147) Use of assistants
300.9(147) Licensure by endorsement
300.10(147) Licensure by reciprocal agreement
300.11(147) License renewal
300.12 and 300.13 Reserved

300.14(147) Duplicate certificate or wallet card
300.15(147) Reissued certificate or wallet card
300.16(17A,147,272C) License denial
300.17(17A,147,272C) License reactivation
300.18(17A,147,272C) License reinstatement

CHAPTERS 301 and 302
Reserved

CHAPTER 303
CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

303.1(147) Definitions
303.2(147) Continuing education requirements
303.3(147,272C) Standards
303.4(147,272C) Audit of continuing education report
303.5(147,272C) Automatic exemption
303.6(147,272C) Continuing education exemption for disability or illness
303.7(147,272C) Grounds for disciplinary action

CHAPTER 304
DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

304.1(147) Definitions
304.2(272C) Grounds for discipline
304.3(272C) Method of discipline
304.4(272C) Discretion of board

CHAPTERS 305 to 325
Reserved

PHYSICIAN ASSISTANTS

CHAPTER 326
LICENSURE OF PHYSICIAN ASSISTANTS

326.1(148C) Definitions
326.2(148C) Requirements for licensure
326.3(148C) Temporary licensure
326.4(148C) Licensure by endorsement
326.5 Reserved
326.6(148C) Examination requirements
326.7(148C) Educational qualifications
326.8(148C) Supervision requirements
326.9(148C) License renewal
326.10 to 326.14 Reserved
326.15(148C) Use of title
326.16(148C) Address change
326.17(148C) Student physician assistant
326.18(148C) Recognition of an approved program
326.19(17A,147,272C) License reactivation
326.20(17A,147,272C) License reinstatement

CHAPTER 327
PRACTICE OF PHYSICIAN ASSISTANTS

327.1(148C) Duties
327.2(148C) Prohibition
327.3 Reserved
327.4(148C) Remote medical site
327.5(147) Identification as a physician assistant
327.6(147) Prescription requirements
327.7(147) Supplying—requirements for containers, labeling, and records

CHAPTER 328
CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

328.1(148C) Definitions
328.2(148C) Continuing education requirements
328.3(148C,272C) Standards

CHAPTER 329
DISCIPLINE FOR PHYSICIAN ASSISTANTS

329.1(148C) Definitions
329.2(148C,272C) Grounds for discipline
329.3(147,272C) Method of discipline
329.4(272C) Discretion of board

CHAPTERS 330 to 350
Reserved

ATHLETIC TRAINERS

CHAPTER 351
LICENSURE OF ATHLETIC TRAINERS

351.1(152D) Definitions
351.2(152D) Requirements for licensure
351.3(152D) Educational qualifications
351.4(152D) Examination requirements
351.5(152D) Documentation of physician direction
351.6(152D) Athletic training plan for direct service
351.7(152D) Licensure by endorsement
351.8 Reserved
351.9(147) License renewal
351.10(272C) Exemptions for inactive practitioners
351.11 and 351.12 Reserved
351.13(272C) Lapsed licenses
351.14 Reserved
351.15(17A,147,272C) License reactivation
351.16(17A,147,272C) License reinstatement

CHAPTER 352
CONTINUING EDUCATION FOR ATHLETIC TRAINERS

352.1(272C) Definitions
352.2(152D) Continuing education requirements
352.3(152D,272C) Standards
352.4(152D,272C) Audit of continuing education report
352.5 and 352.6 Reserved
352.7(152D,272C) Continuing education waiver for active practitioners

352.8(152D,272C) Continuing education exemption for inactive practitioners
352.9 Reserved
352.10(152D,272C) Reinstatement of inactive practitioners
352.11(272C) Hearings

CHAPTER 353
DISCIPLINE FOR ATHLETIC TRAINERS
353.1(152D) Definitions
353.2(152D,272C) Grounds for discipline
353.3(152D,272C) Method of discipline
353.4(272C) Discretion of board

CHAPTERS 354 to 360
Reserved

SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

CHAPTER 361
LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS
361.1(154E) Definitions
361.2(154E) Requirements for licensure
361.3(154E) Licensure by endorsement
361.4 Reserved
361.5(154E) License renewal
361.6 to 361.8 Reserved
361.9(17A,147,272C) License reactivation
361.10(17A,147,272C) License reinstatement

CHAPTER 362
CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS
362.1(154E,272C) Definitions
362.2(154E,272C) Continuing education requirements
362.3(154E,272C) Standards

CHAPTER 363
DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS
363.1(154E) Definitions
363.2(154E,272C) Grounds for discipline
363.3(147,272C) Method of discipline
363.4(272C) Discretion of board

CHAPTER 4
BOARD ADMINISTRATIVE PROCESSES

645—4.1(17A) Definitions.

"Board" means the professional licensing board of any of the following: athletic training, barbering, behavioral science, chiropractic, cosmetology arts and sciences, dietetics, hearing aid dispensers, massage therapy, mortuary science, nursing home administrators, optometry, physical and occupational therapy, physician assistants, podiatry, psychology, respiratory care, sign language interpreters and transliterators, social work, and speech pathology and audiology.

"Board office" means the office of the administrative staff of each professional licensing board.

"Department" means the department of public health.

"Disciplinary proceeding" means any proceeding under the authority of each board pursuant to which licensee discipline may be imposed.

"License" means a license to practice the specific practice governed by one of the boards defined in this chapter.

"Licensee" means a person licensed to practice the specific practice governed by one of the boards defined in this chapter.

"Overpayment" means payment in excess of the required fee. Overpayment of less than $10 received by the board shall not be refunded.

645—4.2(17A) Purpose of board. The purpose of each professional licensing board is to administer and enforce the provisions of Iowa Code chapters 17A, 21, 147, 272C and the practice-specific provisions in Iowa Code chapters 148A, 148B, 148C, 149, 151, 152A, 152B, 152C, 152D, 154, 154A, 154B, 154C, 154D, 154E, 155, 156, 157 and 158 applicable to each board. The mission of each professional licensing board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and rules of each board. Responsibilities of each professional licensing board include, but are not limited to:

4.2(1) Licensing qualified applicants by examination, renewal, endorsement, and reciprocity.

4.2(2) Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

4.2(3) Imposing discipline on licensees as provided by statute or rule.

645—4.3(17A,147,272C) Organization of board and proceedings.

4.3(1) Each professional licensing board is composed of members appointed by the governor and confirmed by the senate as defined in Iowa Code chapter 147.

4.3(2) Each board shall elect a chairperson and vice chairperson from its membership at the first meeting after April 30 of each year.

4.3(3) Each board shall hold at least one meeting annually.

4.3(4) A majority of the members of each board shall constitute a quorum.

4.3(5) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board's proceedings shall be conducted in accordance with Robert's Rules of Order, Revised.

4.3(6) The professional licensure division shall furnish each board with the necessary facilities and employees to perform the duties required by this chapter and shall be reimbursed for all costs incurred from funds collected from licensure-related fees.

4.3(7) Each professional licensing board has the authority to:

a. Develop and implement continuing education rules to ensure the continued competency of individuals licensed by the board.

b. Establish fees.

c. Establish committees of the board, the members of which shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons.

d. Hold a closed session if the board votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if fewer are present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. The board shall keep minutes of all discussion, persons present, and action occurring at a closed session and shall tape-record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

e. Investigate alleged violations of statutes or rules that relate to the practice of licensees upon receipt of a complaint or upon the board's own initiation. The investigation will be based on information or evidence received by the board.

f. Initiate and impose licensee discipline.

g. Monitor licenses that are restricted by a board order.

h. Establish and register peer reviewers.

i. Refer complaints to one or more registered peer reviewers for investigation and review. The peer reviewers will review cases and recommend appropriate action. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

j. Perform any other functions authorized by a provision of law.

[**ARC 7586B**, IAB 2/25/09, effective 4/1/09]

645—4.4(17A) Official communications.

4.4(1) All official communications, including submissions and requests, may be addressed to the specific professional licensing board, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

4.4(2) Notice of change of address. Each licensee shall notify the board of a change of the licensee's current mailing address within 30 days after the change of address occurs.

4.4(3) Notice of change of name. Each licensee shall notify the board in writing of a change of name within 30 days after changing the name.

645—4.5(17A) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday through Friday of each week, except holidays.

645—4.6(21) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained from the board's Web site (http://www.idph.state.ia.us/licensure) or directly from the board office.

4.6(1) At every regularly scheduled board meeting, time will be designated for public comment. No more than ten minutes will be allotted for public comment at any one time unless the chairperson indicates otherwise.

4.6(2) Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

4.6(3) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

4.6(4) Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

645—4.7(147) Licensure by reciprocal agreement. The board may enter into a reciprocal agreement with the District of Columbia or any state, territory, province or foreign country with equal or similar requirements for licensure of the specific professional board. The applicant shall take the examination required by the board.

645—4.8(147) Duplicate certificate or wallet card.

4.8(1) A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or a duplicate certificate shall be issued only under such circumstances.

4.8(2) A duplicate wallet card or duplicate certificate shall be issued upon receipt of the completed application for duplicate license and payment of the fee as specified in 645—Chapter 5.

4.8(3) If the board receives a completed application for a duplicate license stating that the wallet card or certificate was not received within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or duplicate certificate.

645—4.9(147) Reissued certificate or wallet card. The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in 645—Chapter 5.

645—4.10(17A,147,272C) License denial.

4.10(1) When the board denies an applicant licensure, the board shall notify the applicant of the denial in writing by certified mail, return receipt requested, or in the manner of service of an original notice, and shall cite the reasons for which the application was denied.

4.10(2) An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a written notice of appeal and request for hearing upon the board by certified mail, return receipt requested, not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing shall specifically describe the facts to be contested and determined at the hearing.

4.10(3) If an applicant who has been denied licensure by the board appeals the licensure denial and requests a hearing pursuant to this rule, the hearing and subsequent procedures shall be held pursuant to the process outlined in Iowa Code chapters 17A and 272C and 645—Chapter 11.

645—4.11(272C) Audit of continuing education report. After each educational biennium, the board may audit licensees to review compliance with continuing education requirements.

4.11(1) The board may audit a percentage of its licensees and may, at its discretion, determine to audit a licensee. A licensee whose license renewal application is submitted during the grace period may be subject to a continuing education audit.

4.11(2) The licensee shall provide the following information to the board for auditing purposes:

a. Individual certificate of completion issued to the licensee or evidence of successful completion of the course from the course sponsor. These documents must contain the course date, title, contact hours, sponsor and licensee's name.

b. As requested, the licensee must provide to the board additional information to ensure compliance with continuing education requirements within 30 days of the date of the letter requesting the additional information. Extension of time may be granted on an individual basis.

4.11(3) For auditing purposes, all licensees must retain the information identified in paragraph 4.11(2)*"a"* for two years after the biennium has ended.

4.11(4) Information identified in paragraph 4.11(2)*"a"* must be submitted within one month after the date of notification of the audit. Extension of time may be granted on an individual basis.

4.11(5) If the submitted materials are incomplete or unsatisfactory, the licensee may be given the opportunity to submit make-up credit to cover the deficit found through the audit if the board determines that the deficiency was the result of good-faith conduct on the part of the licensee. The deadline for receipt of the documentation for this make-up credit is 120 days from the date of mailing to the address of record at the board office.

4.11(6) Failure to notify the board of a current mailing address will not absolve the licensee from the audit requirement, and an audit must be completed before license renewal.

645—4.12(272C) Automatic exemption. A licensee shall be exempt from the continuing education requirement during the license biennium when that person:

1. Served honorably on active duty in the military service; or
2. Resided in another state or district having continuing education requirements for the profession and met all requirements of that state or district for practice therein; or
3. Was a government employee working in the licensee's specialty and assigned to duty outside the United States; or
4. Was absent from the state but engaged in active practice under circumstances which are approved by the board.

645—4.13(272C) Grounds for disciplinary action. The board may take formal disciplinary action on the following grounds:

1. Failure to cooperate with a board audit.
2. Failure to meet the continuing education requirement for licensure.
3. Falsification of information on the license renewal form.
4. Falsification of continuing education information.

645—4.14(272C) Continuing education exemption for disability or illness. A licensee who has had a physical or mental disability or illness during the license period may apply for an exemption. An exemption provides for an extension of time or exemption from some or all of the continuing education requirements. An applicant shall submit a completed application form approved by the board for an exemption. The application form is available upon request from the board office. The application requires the signature of a licensed health care professional who can attest to the existence of a disability or illness during the license period. If the application is from a licensee who is the primary caregiver for a relative who is ill or disabled and needs care from that primary caregiver, the physician shall verify the licensee's status as the primary caregiver. A licensee who applies for an exemption shall be notified of the decision regarding the application. A licensee who obtains approval shall retain a copy of the exemption to be presented to the board upon request.

4.14(1) The board may grant an extension of time to fulfill the continuing education requirement.

4.14(2) The board may grant an exemption from the continuing education requirement for any period of time not to exceed two calendar years. If the physical or mental disability or illness for which an extension or exemption was granted continues beyond the period initially approved by the board, the licensee must reapply for a continuance of the extension or exemption.

4.14(3) The board may, as a condition of any extension or exemption granted, require the licensee to make up a portion of the continuing education requirement in the manner determined by the board.

645—4.15(147,272C) Order for physical, mental, or clinical competency examination or alcohol or drug screening. A licensee who is licensed by the board is, as a condition of licensure, under a duty to submit to a physical, mental, or clinical competency examination, including alcohol or drug screening, within a time specified by order of the board. Such examination may be ordered upon a showing of probable cause and shall be at the licensee's expense.

4.15(1) *Content of order.* A board order for a physical, mental, or clinical competency examination shall include the following items:

a. A description of the type of examination to which the licensee must submit.

b. The name and address of the examiner or of the evaluation or treatment facility that the board has identified to perform the examination on the licensee.

c. The time period in which the licensee must schedule the required examination.

d. The amount of time the licensee has to complete the examination.

e. A requirement that the licensee sign necessary releases for the board to communicate with the examiner or the evaluation or treatment facility.

f. A requirement that the licensee cause a report of the examination results to be provided to the board within a specified period of time.

g. A requirement that the licensee communicate with the board regarding the status of the examination.

h. A concise statement of the facts relied on by the board to order the evaluation.

4.15(2) *Alternatives.* Following issuance of the examination order, the licensee may request additional time to schedule or complete the examination or may request that the board approve an alternative examiner or treatment facility. The board in its sole discretion shall determine whether to grant such a request.

4.15(3) *Objection to order.* A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. A licensee who fails to timely file a request for hearing to object to an examination order waives any future objection to the examination order in the event formal disciplinary charges are filed for failure to comply with the examination order or on any other grounds. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

4.15(4) *Closed hearing.* Any hearing on an objection to the examination order shall be closed pursuant to Iowa Code section 272C.6(1).

4.15(5) *Order and reports confidential.* An examination order, and any subsequent examination reports issued in the course of a board investigation, are confidential investigative information pursuant to Iowa Code section 272C.6(4). However, all investigative information regarding the examination order shall be provided to the licensee in the event the licensee files an objection, under subrule 4.15(3), in order to allow the licensee an opportunity to prepare for hearing.

4.15(6) *Admissibility.* In the event the licensee submits to evaluation and subsequent proceedings are held before the board, all objections shall be waived as to the admissibility of the examining physicians' or health care providers' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board.

4.15(7) *Failure to submit.* Failure of a licensee to submit to a board-ordered physical, mental, or clinical competency examination or to submit to alcohol or drug screening constitutes a violation of the rules of the board and is grounds for disciplinary action.

[**ARC 7586B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code chapters 17A, 21, 147 and 272C.

[Filed 3/19/08, Notice 11/21/07—published 4/9/08, effective 5/14/08]

[Filed ARC 7586B (Notice ARC 7165B, IAB 9/24/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 19
Reserved

CHAPTER 20
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF BARBERING
Rescinded IAB 2/25/09, effective 4/1/09

BARBERS

CHAPTER 21 LICENSURE
CHAPTER 22 SANITATION
CHAPTER 23 BARBER SCHOOLS
CHAPTER 24 CONTINUING EDUCATION FOR BARBERS
CHAPTER 25 DISCIPLINE FOR BARBERS, BARBER INSTRUCTORS, BARBERSHOPS AND BARBER SCHOOLS

CHAPTER 21
LICENSURE

[Prior to 7/29/87, Health Department[470] Ch 152]
[Prior to 2/20/02, see 645—Chapter 20]

645—21.1(158) Definitions. For purposes of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Board" means the board of barbering.

"Examination" means the examination administered by the board, which includes written and practical components.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Licensee" means any person licensed to practice as a barber in the state of Iowa.

"License expiration date" means June 30 of even-numbered years.

"Licensure by endorsement" means the issuance of an Iowa license to practice as a barber to an applicant who is or has been licensed in another state.

"Reactivate" or *"reactivation"* means the process as outlined in rule 21.16(17A,147,272C) by which an inactive license is restored to active status.

"Reciprocal license" means the issuance of an Iowa license to practice barbering to an applicant who is currently licensed in another state and which state has a mutual agreement to license persons who have the same or similar qualifications to those required in Iowa.

"Reinstatement" means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

645—21.2(158) Requirements for licensure.

21.2(1) The following criteria shall apply to licensure:

a. The applicant shall complete a board-approved application form. Application forms may be obtained from the board Web site (http://www.idph.state.ia.us/licensure) or directly from the board office. The application and licensure fee shall be sent to the Board of Barbering, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

b. The applicant shall present proof of completion of the tenth grade or equivalent education. In the event the applicant is a refugee or immigrant from a country where high school records no longer exist, the applicant shall be considered to have met this requirement when the applicant submits an affidavit attesting to the fact that the applicant has met the tenth-grade requirement.

c. The applicant shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school

to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158).

d. The applicant shall provide verification of license(s) from every state in which the applicant has been licensed as a barber, sent directly from the state(s) to the Iowa board of barbering office.

e. An application for barber examination must be postmarked at least 14 days prior to the examination.

f. The candidate shall take and pass the written and practical examinations required by the board.

g. Licensees who were issued their licenses within six months prior to renewal shall not be required to renew their licenses until the renewal month two years later.

h. Incomplete applications that have been on file in the board office for more than two years shall be:

(1) Considered invalid and shall be destroyed; or

(2) Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

21.2(2) Foreign-trained barbers shall:

a. Provide an equivalency evaluation of their educational credentials by one of the following: International Educational Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665, telephone (310)258-9451, Web site www.ierf.org or E-mail at info@ierf.org; or World Education Services (WES) at (212)966-6311, electronically at www.wes.org or by writing to WES, P.O. Box 745, Old Chelsea Station, New York, NY 10113-0745. The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a barber school in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

21.2(3) Requirements for an instructor's license.

a. An applicant for an instructor's license shall:

(1) Complete all requirements stated in subrule 21.2(1), paragraph *"a"*;

(2) Present proof of graduation from an accredited high school or the equivalent thereof;

(3) Be licensed in the state of Iowa as a barber for not less than two years; and

(4) Pass the instructor's examinations administered by the board or its designee.

b. Instructors who were issued their licenses within six months prior to renewal shall not be required to renew their licenses until the renewal month two years later.

c. Incomplete applications that have been on file in the board office for more than two years shall be:

(1) Considered invalid and shall be destroyed; or

(2) Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

d. An applicant who meets the requirements for an instructor's license except for the examinations may apply for a temporary permit to be an instructor. The temporary permit shall be valid for a maximum of six months from the issue date of the permit and shall not be renewable.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.3(158) Examination requirements for barbers and barber instructors.

21.3(1) The following criteria shall apply to the written and practical examination.

a. In order for an applicant to be eligible to take the examination, the supporting data and documentation required by the board shall be postmarked at least 14 days prior to the examination.

b. Applicants will be notified of the date and time of the written and practical examination given by the board of barbering.

c. Applicants for barber licenses are required to receive a passing score on the examination. The score is contingent on receiving a combined score of 70 percent, which is a weighted score based on the following:

(1) For barbers, the practical component equals 75 percent and the written component equals 25 percent of the weighted score.

(2) For barber instructors, the practical component equals 30 percent and the written component equals 70 percent of the weighted score.

d. The board will notify the applicant in writing of the result of the examination.

21.3(2) Applicants who fail to appear for the examination must request in writing or by telephone to reschedule the examination. Examination fees are not refundable, but the rescheduled examination fee may be waived upon a showing of good cause for missing the previously scheduled examination. Proof of good cause shall be submitted to the board office with the request to reschedule the examination. An applicant shall be required to pay the reexamination fee if the applicant does not appear for a subsequent examination.

21.3(3) Persons who do not attain the passing score may reapply to take the examination. Examination fees cannot be refunded, and the applicant shall be required to pay the reexamination fee.
[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.4(158) Educational qualifications. Rescinded IAB 2/25/09, effective 4/1/09.

645—21.5(158) Licensure by endorsement. The board may issue a license by endorsement to any applicant from the District of Columbia or another state, territory, province or foreign country who has held an active license under the laws of another jurisdiction for at least 12 months during the past 24 months and who:

21.5(1) Submits to the board a completed application and pays the licensure fee specified in 645—subrule 5.2(1).

21.5(2) Provides verification of license(s) from every state in which the applicant has been licensed as a barber, sent directly from the state(s) to the Iowa board of barbering office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

a. Licensee's name;

b. Date of initial licensure;

c. Current licensure status; and

d. Any disciplinary action taken against the license.

21.5(3) Takes and passes the written and practical examination administered by the board.
[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.6(158) Licensure by reciprocal agreement. Rescinded IAB 2/25/09, effective 4/1/09.

645—21.7(158) Temporary permits to practice barbering. An applicant must meet the following requirements:

1. The applicant is applying for initial licensure and is not licensed in another state.

2. The applicant has met the requirements for licensure except for the examination. The temporary permit is valid from the date the application is completed for a maximum of six months and shall not be renewable.

645—21.8(158) Demonstrator's permit. The board may issue a demonstrator's permit to a licensed barber for the purpose of demonstrating barbering to the public. The following criteria apply to the demonstrator's permit:

1. A demonstrator's permit shall be valid for a barbershop, person or an event. The location, purpose and duration shall be stated on the permit.

2. A demonstrator's permit shall be valid for no more than 10 days.

3. A completed application shall be submitted on a form provided by the board at least 30 days in advance of the intended use dates.

4. An application fee shall be submitted as set forth in these rules.

5. No more than four permits shall be issued to any applicant during a calendar year.

645—21.9(158) License renewal.

21.9(1) The biennial license renewal period for a license to practice barbering shall begin on July 1 of each even-numbered year and end on June 30 of each even-numbered year. All licensees shall renew on a biennial basis. The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

21.9(2) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—24.2(158). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

c. Persons licensed to practice as barbers shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

d. Individuals who were issued a license within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

21.9(3) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.2(10). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

21.9(4) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

21.9(5) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a barber in Iowa until the license is reactivated. A licensee who practices as a barber in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.10(272C) Exemptions for inactive practitioners. Rescinded IAB 8/17/05, effective 9/21/05.

645—21.11(158) Requirements for a barbershop license.

21.11(1) A barbershop shall not operate unless the owner of the barbershop possesses a current barbershop license issued by the board. The following criteria shall apply to licensure:

a. The owner shall complete a board-approved application form. Application forms may be obtained from the board's Web site (http://www.idph.state.ia.us/licensure), or directly from the board office. The application and fee shall be submitted to the Board of Barbering, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

b. The barbershop shall meet the requirements for sanitary conditions established in 645—Chapter 22.

c. A barbershop license shall be issued for a specific location. A change in location or site of a barbershop shall result in the cancellation of the existing license and necessitate application for a new license and payment of the fee required by 645—subrule 5.2(8). A change of address without change of actual location shall not be construed as a new site.

d. A barbershop license is not transferable. A change in ownership of a barbershop shall result in the cancellation of the existing license and necessitate application for a new license and payment of the fee required by 645—subrule 5.2(8).

e. A change in the name of a barbershop shall be reported to the board within 30 days of the name change.

f. Upon closure of a barbershop, the barbershop license shall be submitted to the board office within 30 days.

g. A barbershop that was issued a license within six months prior to renewal shall not be required to renew the license until the renewal month two years later.

21.11(2) Incomplete applications that have been on file in the board office for more than two years shall be:

a. Considered invalid and shall be destroyed; or

b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.12(158) Barbershop license renewal.

21.12(1) The biennial license renewal period for a barbershop license shall begin on July 1 of each even-numbered year and end on June 30 of the next even-numbered year.

21.12(2) The renewal application shall be mailed to the barbershop at least 60 days prior to the expiration of the license. Failure to receive the renewal application shall not relieve the barbershop of the obligation to pay the biennial renewal fee on or before the renewal date.

21.12(3) The completed application and renewal fee shall be submitted to the board office before the license expiration date.

21.12(4) The barbershop shall be in full compliance with this chapter and 645—Chapter 22 to be eligible for license renewal.

21.12(5) When all requirements for license renewal are met, a license wallet card will be sent by regular mail.

21.12(6) A barbershop that is issued an initial license within six months prior to the renewal date will not be required to renew the license until the next renewal two years later.

21.12(7) Barbershop license late renewal. If the renewal fee and renewal application are received within 30 days after the license renewal expiration date, the late fee for failure to renew before expiration shall be charged.

21.12(8) Inactive barbershop license. If the renewal application and fee are not postmarked within 30 days after the license expiration date, the barbershop license is inactive. To reactivate a barbershop license, the reactivation application and fee shall be submitted to the board office.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.13(147) Duplicate certificate or wallet card. Rescinded IAB 2/25/09, effective 4/1/09.

645—21.14(147) Reissued certificate or wallet card. Rescinded IAB 2/25/09, effective 4/1/09.

645—21.15(272C) License denial. Rescinded IAB 2/25/09, effective 4/1/09.

645—21.16(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

21.16(1) Submit a reactivation application on a form provided by the board.

21.16(2) Pay the reactivation fee that is due as specified in 645—subrule 5.2(11).

21.16(3) Provide verification of current competence to practice as a barber by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;

3. Current licensure status; and

4. Any disciplinary action taken against the license; and

(2) Verification of completion of eight hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;

2. Date of initial licensure;

3. Current licensure status; and

4. Any disciplinary action taken against the license; and

(2) Verification of completion of eight hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) within two years of application for reactivation; and

(3) Verification of passing the state examination administered by the board within one year immediately prior to reactivation if the applicant does not have a current license and has not been in active practice in the United States during the past five years.

21.16(4) Licensees who are barber instructors shall obtain an additional four hours of continuing education in teaching methodology.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.17(17A,147,272C) Reactivation of a barbershop license. To apply for reactivation of an inactive license, a licensee shall:

21.17(1) Submit a reactivation application on a form provided by the board.

21.17(2) Pay the reactivation fee that is due as specified in 645—subrule 5.2(12).

21.17(3) Meet the requirements for sanitary conditions established in 645—Chapter 22.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—21.18(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 21.16(17A,147,272C) prior to practicing as a barber in this state.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

These rules are intended to implement Iowa Code chapters 272C and 158.

[Filed 7/11/67]

[Filed 8/5/77, Notice 6/1/77—published 8/24/77, effective 10/1/77]

[Filed 4/28/78, Notice 11/30/77—published 5/17/78, effective 6/21/78]

[Filed 1/18/79, Notice 10/18/78—published 2/7/79, effective 4/1/79]

[Filed 4/24/79, Notice 3/7/79—published 5/16/79, effective 7/1/79]

[Filed 5/5/80, Notice 2/20/80—published 5/28/80, effective 7/7/80]

[Filed 11/4/80, Notice 9/3/80—published 11/26/80, effective 1/1/81]

[Filed 5/22/81, Notice 2/18/81—published 6/10/81, effective 7/17/81]

[Filed 2/12/82, Notice 12/23/81—published 3/3/82, effective 4/8/82]

[Filed 10/6/83, Notice 8/17/83—published 10/26/83, effective 11/30/83]

[Filed 10/6/83, Notice 8/3/83—published 10/26/83, effective 11/30/83]

[Filed 7/27/84, Notice 5/23/84—published 8/15/84, effective 9/19/84]

[Filed emergency 8/31/84—published 9/26/84, effective 8/31/84]

[Filed 11/15/84, Notice 9/12/84—published 12/5/84, effective 1/9/85]

[Filed 9/4/85, Notice 5/22/85—published 9/25/85, effective 10/30/85]

[Filed 9/5/85, Notice 7/17/85—published 9/25/85, effective 10/30/85]
[Filed 2/20/86, Notice 1/15/86—published 3/12/86, effective 4/16/86]
[Filed 8/22/86, Notice 6/18/86—published 9/10/86, effective 11/5/86][1]
[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]
[Filed 11/17/88, Notice 8/24/88—published 12/14/88, effective 1/18/89]
[Filed 8/3/90, Notice 5/30/90—published 8/22/90, effective 9/26/90]
[Filed 11/9/90, Notice 8/22/90—published 11/28/90, effective 1/2/91]
[Filed 8/1/91, Notice 6/12/91—published 8/21/91, effective 9/25/91]
[Filed 11/8/91, Notice 9/4/91—published 11/27/91, effective 1/1/92][2]
[Filed 7/31/92, Notice 4/15/92—published 8/19/92, effective 10/1/92]
[Filed 11/16/92, Notice 7/8/92—published 12/9/92, effective 1/13/93]
[Filed 1/29/93, Notice 10/14/92—published 2/17/93, effective 4/7/93]
[Filed 1/29/93, Notice 12/9/92—published 2/17/93, effective 4/7/93]
[Filed 5/2/97, Notice 3/12/97—published 5/21/97, effective 6/25/97]
[Filed 5/15/98, Notice 2/25/98—published 6/3/98, effective 7/8/98]
[Filed 2/3/99, Notice 11/18/98—published 2/24/99, effective 3/31/99]
[Filed 5/28/99, Notice 4/7/99—published 6/16/99, effective 7/21/99]
[Filed 11/24/99, Notice 8/11/99—published 12/15/99, effective 1/19/00]
[Filed 11/9/00, Notice 8/23/00—published 11/29/00, effective 1/3/01]
[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 1/30/03, Notice 11/27/02—published 2/19/03, effective 3/26/03]
[Filed 11/6/03, Notice 8/20/03—published 11/26/03, effective 12/31/03]
[Filed 7/26/05, Notice 5/25/05—published 8/17/05, effective 9/21/05][◊]
[Filed 2/1/06, Notice 11/23/05—published 3/1/06, effective 4/5/06]
[Filed 7/26/06, Notice 5/24/06—published 8/16/06, effective 9/20/06]
[Filed 8/1/07, Notice 5/23/07—published 8/29/07, effective 10/3/07]
[Filed ARC 7578B (Notice ARC 7401B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

◊ Two or more ARCs

1 See Public Health Department[641], IAB

2 Effective date of rule 20.10(158) delayed 70 days by the Administrative Rules Review Committee at its meeting held December 11, 1991; delayed until adjournment of the 1992 General Assembly at the Committee's meeting held February 3, 1992.

CHAPTER 22
SANITATION

[Prior to 7/29/87, Health Department[470] Ch 153]
[Prior to 2/20/02, see 645—Chapter 21]

645—22.1(158) Definitions.

"Disinfectant" means an agent intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on inanimate surfaces.

"Disinfection" means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

"FDA" means the federal Food and Drug Administration.

"Germicide" means an agent that destroys germs.

"Sanitization" means the procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

"Sterilization" means the procedure that kills all microorganisms, including their spores.

"Universal precautions" means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

645—22.2(158) Posting of sanitation rules and inspection report. A copy of the most current sanitation rules and the most recent inspection report shall be posted in a conspicuous place in the barbershop or barber school for the information and guidance of all persons employed or studying therein and the general public.

645—22.3(147) Display of licenses.

22.3(1) The license of the barbershop or barber school along with the current wallet card shall be posted and visible to the public.

22.3(2) The original license certificate, duplicate certificate, reissued certificate or temporary permit for each licensee and temporary permit holder employed by the barbershop or barber school shall be posted and visible to the public.

22.3(3) Each licensee shall:

a. Display the current wallet card with the certificate, or

b. Have the current wallet card in the licensee's possession.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—22.4(158) Responsibilities of barbershop owner and supervisor.

22.4(1) Each barbershop owner shall ensure that individuals who provide barbering or cosmetology services hold a current and valid Iowa license or temporary work permit to practice barbering or cosmetology.

22.4(2) Each owner shall ensure that all employees observe all applicable rules.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—22.5(158) Building standards. Barbershops and schools shall provide:

1. A separate area to be used as a reception area;
2. A supply of hot and cold running water and toilet facilities;
3. A supply of safe drinking water;
4. Hand washing facilities;
5. Adequate lighting;
6. A floor surface in the service area that is nonabsorbent and easily cleanable;
7. A minimum of one washbasin or lavatory for every two barber chairs in use. The washbasins or lavatories shall be readily accessible to the operator of each barber chair; and
8. Work surfaces that are easily cleaned.

645—22.6(158) Barbershops in residential buildings.

22.6(1) A barbershop located in a residential building shall comply with all requirements in rule 645—22.5(158).

22.6(2) A separate entrance shall be maintained for barbershops in residential buildings. An exception is that an entrance may allow passage through a nonliving area of the residence, i.e., hall, garage or stairway. Any door leading directly from the licensed barbershop to any portion of the living area of the residence shall be closed at all times during business hours.

645—22.7(158) Barbershops adjacent to other businesses. A barbershop operated adjacent to any other business shall be separated by at least a partial partition. When the barbershop is operated immediately adjacent to a business where food is handled, the establishment shall be entirely separated and any doors between the barbershop and the business shall be rendered unusable except in an emergency.

645—22.8(142D,158) Smoking. Barbershops licensed by the board shall comply with the smokefree air Act as found in Iowa Code chapter 142D.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—22.9(158) Personal cleanliness.

22.9(1) All licensees or students that engage in serving the public shall be neat and clean in person and attire.

22.9(2) All licensees performing services shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before serving each client.

645—22.10(158) Universal precautions. All licensees shall practice universal precautions consistently by observing the following:

1. Placing used razor blades and other sharp instruments to be disposed in a puncture-resistant container. The containers shall be located as close to the use area as is practical;
2. Wearing disposable gloves to prevent exposure to blood, body fluids containing visible blood or body fluids to which universal precautions apply;
3. Immediately and thoroughly washing hands and other skin surfaces that are contaminated with blood and other body fluids to which universal precautions apply;
4. Refraining from all direct client care and from handling client-care equipment if the licensee has weeping dermatitis or draining lesions;
5. Sterilizing or properly disposing of all instruments or implements that penetrate or puncture the skin; and
6. Disinfecting all instruments or implements that do not penetrate or puncture the skin.

645—22.11(158) Minimum equipment and supplies. Barbershops and barber schools shall provide:

1. At least one covered waste receptacle for the disposal of all waste, including hair;
2. Receptacles to hold all soiled towels and capes;
3. Clean, closed cabinets or drawers to hold all clean towels;
4. Disinfectant solution kept in the storage area and at each workstation; and
5. A mechanical paper container and clean shaving paper or clean towel for each barber chair headrest.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—22.12(158) Disinfecting nonelectrical instruments and equipment.

22.12(1) Before use upon a client in a barbershop or barber school, all nonelectrical instruments shall be disinfected by an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity and used according to the manufacturer's instructions.

22.12(2) All instruments that have been used on a client or soiled in any manner shall be placed in a proper receptacle.

22.12(3) All disinfected instruments shall be stored in a clean, covered place.

645—22.13(158) Disinfecting electrical instruments. Electrical instruments, excluding curling irons, shall be disinfected prior to each use with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity and used according to the manufacturer's instructions.

645—22.14(158) Instruments and supplies that cannot be disinfected. All instruments and supplies that come into direct contact with a client and cannot be disinfected, for example, cotton pads, sponges, emery boards, and neck strips, shall be disposed of in a closed waste receptacle immediately after use.

645—22.15(158) Semisolids, dusters, and styptics.

22.15(1) Creams and other semisolid substances used for clients must be kept in closed, labeled containers. All creams and other semisolid substances shall be removed from containers with a clean, sanitized applicator. Applicators made of a washable, nonabsorbent material shall be sanitized before being used again. Applicators made of wood shall be discarded after one use.

22.15(2) The use of a styptic pencil is strictly prohibited; its presence in the workplace shall be prima facie evidence of its use. Any material used to stop the flow of blood shall be used in liquid or powder form.

22.15(3) Nail buffers are for individual use and may not be used for more than one client. Presence of these articles in the workplace shall be prima facie evidence of use.

22.15(4) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

22.15(5) Neck dusters, brushes, and common shaving mugs and soap shall not be used in any barbershop or barber school.

645—22.16(158) Disposal of materials.

22.16(1) Any disposable material that will release blood or other potentially infectious materials in a liquid or semiliquid state if compressed shall be placed in a red hazardous waste bag and disposed of in accordance with the regulation for removal of hazardous waste.

22.16(2) Any disposable sharp objects that come in contact with blood or other body fluids shall be disposed of in a red, sealable, rigid container (punctureproof) that is clearly labeled for disposal of hazardous waste sharps.

22.16(3) Hazardous waste containers and bags shall be available for use at all times when services are being performed. The absence of containers shall be prima facie evidence of noncompliance.

22.16(4) Emery boards, sponges, applicators and orangewood sticks shall be discarded after use or given to the client.

645—22.17(158) Prohibited hazardous substances and use of products. No barbershop or barber school shall have on the premises products containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products. Prohibited products include, but are not limited to, any product containing liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is not approved by the FDA. The presence of the product in a barbershop or barber school is prima facie evidence of that product's use in the barbershop or barber school.

645—22.18(158) Proper protection of neck. A shampoo apron, haircloth, or similar article shall not be placed directly against the neck of the client but shall be kept from direct contact with the client by means of a paper neckband or clean towel. A neckband of paper shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering.

645—22.19(158) Proper laundering and storage. All cloth towels and similar items shall be laundered in a washing machine with laundry detergent used according to manufacturer's directions. A closed

cabinet shall be provided for clean towels and linen, and a hamper or receptacle must be provided for all soiled towels, robes and linens.

645—22.20(158) Pets. Dogs (except dogs providing assistance to persons with physical disabilities), cats, birds, or other animals shall not be permitted in a barbershop or barber school. This rule does not apply to fish in an aquarium provided the aquarium is maintained in a sanitary condition.

645—22.21(158) Records. Client records and appointment records for chemical services shall be maintained for a period of no less than three years following the last date of entry. Proper safeguards shall be provided to ensure the safety of these records from destructive elements.

These rules are intended to implement Iowa Code chapter 158.

[Filed 8/10/56; amended 7/11/67]
[Filed 9/2/77, Notice 7/13/77—published 9/21/77, effective 11/1/77]
[Filed 4/24/79, Notice 2/7/79—published 5/16/79, effective 7/1/79]
[Filed 9/20/84, Notice 5/23/84—published 10/10/84, effective 11/14/84]
[Filed 8/22/86, Notice 6/18/86—published 9/10/86, effective 11/5/86]
[Filed 1/15/87, Notice 11/19/86—published 2/11/87, effective 3/18/87]
[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]
[Filed 5/15/98, Notice 2/25/98—published 6/3/98, effective 7/8/98]
[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 11/6/02, Notice 8/21/02—published 11/27/02, effective 1/1/03]
[Filed 11/6/03, Notice 8/20/03—published 11/26/03, effective 12/31/03]
[Filed ARC 7578B (Notice ARC 7401B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 23
BARBER SCHOOLS
[Prior to 2/20/02, see 645—Chapter 20]

645—23.1(158) Definitions.

"Clinic area" means the area of the school where the paying customers will receive services.

"Inactive license" means a school license that has not been renewed as required or the license of a school that has failed to meet stated obligations for renewal within a stated time.

"School" means a school of barbering.

"School license" means a license to instruct students in barbering.

645—23.2(158) Licensing for barber schools. The board shall grant approval for the issuance of an original barber school license to be issued by the department when the following conditions have been met:

23.2(1) An application shall be submitted to the Board of Barbering, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. The following information shall be submitted with the application:

a. The exact location of the proposed barber school;

b. A copy of the essential parts of the lease or other documents to provide proof that the owner of the school has occupancy rights for a minimum of one year;

c. A sworn affidavit that proves the existence of sufficient finances to acquire the facilities and equipment required by the board and to operate the proposed barber school for a minimum of one year; and

d. A complete plan of the physical facilities and an explanation detailing how the facilities will be utilized relative to the number of students and to the classroom and clinic space.

23.2(2) The applicant for a barber school license may be interviewed by the board before the original license will be issued.

23.2(3) No barber school shall be approved by the board of barbering unless it complies with the course of study requirements in rule 645—23.8(158).

23.2(4) The barber school shall be inspected prior to the issuance of the school license and shall meet the requirements of this chapter and 645—Chapter 22.

23.2(5) The barber school shall not accept students until the school is licensed.

23.2(6) The original license shall be granted for the location(s) identified in the school's application.

a. A change of location shall require submission of an application for a new school license and payment of the license fee.

b. A change of address without change of actual location shall not be construed as a new site.

23.2(7) A barber school license is not transferable. A change in ownership of a school shall require the issuance of a new license. Change in ownership shall be defined as any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership. The board may request legal proof of ownership transfer.

23.2(8) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records will be maintained after two years only if the applicant submits a written request to the board.

23.2(9) A barber school that is issued an initial license within six months prior to the renewal date shall not be required to renew the license until the renewal month one year later.

645—23.3(158) School license renewal.

23.3(1) The annual license renewal period for a barber school license shall begin on July 1 and end on June 30 one year later.

23.3(2) A renewal of license application shall be mailed to the school at least 60 days prior to the expiration of the license. Failure to receive the renewal application shall not relieve the school of the obligation to pay the annual renewal fee on or before the renewal date.

a. The barber school renewal application and renewal fee shall be submitted to the board office before the license expiration date.

b. Barber schools shall be in full compliance with this chapter and 645—Chapter 22 to be eligible for renewal. When all requirements for license renewal are met, the barber school shall be sent a license renewal card by regular mail.

23.3(3) Late renewal. If the renewal fee and renewal application are received within 30 days after the license expiration date, the late fee for failure to renew before expiration shall be charged.

645—23.4(272C) Inactive school license.

23.4(1) If the renewal fee is received more than 30 days after the license expiration date, the school license is inactive. To reactivate the school license, the reactivation application and fee shall be submitted to the board.

23.4(2) A barber school that has not renewed the school license within the required time frame will have an inactive license and shall not provide schooling or services until the license is reactivated.
[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—23.5(147) Duplicate certificate or wallet card. Rescinded IAB 2/25/09, effective 4/1/09.

645—23.6(158) Physical requirements for barber schools. Each licensed barber school shall:

1. Provide a clinic area where paying customers will receive services. The clinic area shall be confined to the premises occupied by the school.
2. Be large enough and be equipped to provide room(s) separate from the clinic area for lectures and demonstration purposes.
3. Provide a library for students that contains textbooks, videos, current trade publications and business management materials. The contents of the library shall be current within the previous ten years and shall cover the topics necessary for the student to master the skill of barbering.
4. Have an administrative office.
5. Allow separation of laundry room from the clinic area by a full wall or partition if the school has a laundry room.
6. Provide closed cabinets or a separate room for storing supplies.
7. Meet the sanitation requirements in 645—Chapter 22.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—23.7(158) Minimum equipment requirements. Each barber school shall have, at a minimum, the following equipment:

1. The clinic area shall hold a minimum of ten workstations equipped for practice on the general public. Each workstation shall include one chair and backbar. The backbar will provide a cabinet for immediate linen supply and individual sterilizers for each workstation. There shall be no more than two students enrolled for each workstation.
2. Sinks shall be located in the clinic area and readily accessible for students to use.
3. Audiovisual equipment available for each classroom.
4. One classroom shall include charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, and neck.
5. One set of textbooks shall be available for each student and instructor.
6. One large bulletin board shall be conspicuously located for posting rules, notices, and similar bulletins.
7. One set of files shall be maintained for all required records.
8. Electric equipment shall include the following: one high-frequency electrode, one twin vibrator, one hood dryer, one infrared lamp and one ultraviolet lamp.
9. One automatic lather mixer shall be available for every ten chairs.
10. Bottles and containers shall be distinctly and correctly labeled to show intended use of the contents.

11. Covered waste containers shall be located in the clinic area.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—23.8(158) Course of study requirements. Each Iowa barber school licensed by the board of barbering shall conduct a course of study of at least 2,100 hours to be equally divided over a period of not less than ten months. The course of study shall include the following:

23.8(1) Supervised practical instruction totaling 1,675 hours shall include:

Scalp care and shampooing
Honing and stropping
Shaving
Facials, massage and packs
Science of hair structure
Haircutting
Hair tonics
Hair relaxing
Hair coloring and hair body processing
Hair styling
Fitting of hairpieces
Manicuring
Artificial nails (all aspects)

23.8(2) Demonstrations and lectures totaling 380 hours shall include:

Law, ethics, economics, equipment, shop management and history of barbering
Sanitation, sterilization, personal hygiene and first aid
Bacteriology
Anatomy
Skin, scalp, and hair and their common disorders
Electricity, as applied to barbering
Chemistry and pharmacology
Scalp care
Honing and stropping
Shaving
Facials, massage and packs
Hair relaxing
Science of hair structure
Haircutting
Hair tonics
Instruments, soaps, shampoos, creams, lotions and tonics
Nails

23.8(3) Special lectures totaling 45 hours must include lectures by a qualified person in the following areas: tax consulting, advertising, insurance, business management, salesmanship and barbering.

645—23.9(158) Instructors.

23.9(1) All instructors in a barber school shall be licensed by the department.

23.9(2) The number of instructors for each barber school shall be based upon total enrollment, with a minimum of 2 instructors employed on a full-time basis for up to 30 students and 1 additional instructor for each additional 15 students or fraction thereof. An applicant who is waiting to take the instructor examination and who is working on a temporary permit may be counted as an instructor for the instructor-to-student ratio.

23.9(3) An instructor shall:

a. Be responsible for and in direct charge of all theory and practical classrooms and clinics at all times;

b. Familiarize students with the different standard supplies and equipment used in barbershops;

c. Work on clients only when instructing or otherwise assisting students in the school;
d. Carefully grade and return to students all examinations and other written papers;
e. Be attired in distinct and identifiable attire.

645—23.10(158) Students.

23.10(1) Before a student is obligated to pay the school, the barber school shall inform the student of the disclosure requirements found in Iowa Code section 714.25.

23.10(2) No one connected with a barber school shall guarantee occupational positions to students or guarantee financial aid in equipping a shop.

23.10(3) Students shall:

a. Be attired in clean and neat uniforms at all times during school hours.
b. Not be compensated by the school for services performed on clients.
c. Not be required to perform janitorial services for the school, but may be required to keep their own areas clean and sanitary during school hours. If a student chooses to provide janitorial services, the hours shall not count toward the total course hours.
d. Receive no credit for decorating for marketing and merchandising that relates to the promotion of barber school services or for recruiting students.
e. Receive no credit for participating in demonstrations of barbering for the sole purpose of recruiting students.
f. Be provided regularly scheduled breaks and a minimum of 30 minutes for lunch.

645—23.11(158) Attendance requirements.

23.11(1) A barber school shall have a written, published attendance policy.

23.11(2) The barber school shall establish regular school hours. No student shall be required to attend more than nine hours on any given school day.

23.11(3) Each student shall receive a minimum of eight hours of classroom instruction per week. Classroom instruction shall include lectures, individual instruction and written examinations.

23.11(4) Student attendance policies shall be applied uniformly and fairly.

23.11(5) Accurate and appropriate credit shall be given for all hours earned.

23.11(6) Students shall earn all hours credited to their total course hours and shall not have hours deducted as a penalty.

645—23.12(158) Graduate of a barber school.

23.12(1) To be considered a graduate, a student shall:

a. Complete the required course and meet the minimum attendance standard.
b. Complete the practical and theoretical curriculum requirements set forth by the school.
c. Pass a final examination upon completion of the course of study.

23.12(2) Students shall be issued a transcript when they have completed all requirements for graduation.

645—23.13(147) Records requirements. Each school shall keep a daily class record of each student, showing the hours devoted to the respective subjects, time devoted by a student to each subject, the total number of hours in attendance, and days present and absent. These records shall be subject to inspection by the board of barbering or a representative of the board and shall be retained for two years after the graduation date.

645—23.14(158) Public notice. A sign shall be clearly displayed in the entrance of the school that indicates in prominent lettering that students perform all services under the supervision of instructors.

645—23.15(158) Apprenticeship. Apprenticeship hours earned in another state may be applied toward the required 2,100 hours of course of study prescribed by Iowa Code section 158.8 at a ratio of 1 hour

of credit for each 4 hours of registered apprenticeship completed in the state in which the applicant is licensed or registered as an apprentice.

These rules are intended to implement Iowa Code chapter 158 and section 714.25.

[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 1/30/03, Notice 11/27/02—published 2/19/03, effective 3/26/03]
[Filed 11/6/03, Notice 8/20/03—published 11/26/03, effective 12/31/03]
[Filed 8/1/07, Notice 5/23/07—published 8/29/07, effective 10/3/07]
[Filed ARC 7578B (Notice ARC 7401B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 24
CONTINUING EDUCATION FOR BARBERS
[Prior to 2/20/02, see 645—Chapter 23]

645—24.1(158) Definitions. For the purpose of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Approved program/activity" means a continuing education program/activity meeting the standards set forth in these rules.

"Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

"Board" means the board of barbering.

"Continuing education" means planned, organized learning acts designed to maintain, improve, or expand a licensee's knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

"Hour of continuing education" means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Independent study" means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

"License" means license to practice.

"Licensee" means any person licensed to practice as a barber in the state of Iowa.

645—24.2(158) Continuing education requirements.

24.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as a barber in this state shall be required to complete a minimum of eight hours of continuing education approved by the board. A licensee who is a barber instructor shall obtain four hours in teaching methodology in addition to meeting all continuing education requirements for renewal of the barber license.

24.2(2) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of eight hours of continuing education per biennium for each subsequent license renewal.

24.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

24.2(4) No hours of continuing education shall be carried over into the next biennium except as stated for the second renewal. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

24.2(5) It is the responsibility of each licensee to finance the cost of continuing education.

[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—24.3(158,272C) Standards.

24.3(1) *General criteria.* A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

b. Pertains to subject matters which integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date(s), location, course title, presenter(s);

(2) Number of program contact hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

24.3(2) *Specific criteria.*

a. Continuing education may be obtained by attending programs that meet the criteria in 24.3(1) approved or offered by the following:

(1) National, state or local barber associations.

(2) Barber schools and institutes.

(3) Universities, colleges or community colleges.

b. Continuing education credit offered for cosmetology continuing education credit will be accepted for barber continuing education credit.

645—24.4(158,272C) Audit of continuing education report. Rescinded IAB 2/25/09, effective 4/1/09.

645—24.5(158,272C) Automatic exemption. Rescinded IAB 2/25/09, effective 4/1/09.

645—24.6(158,272C) Continuing education exemption for disability or illness. Rescinded IAB 2/25/09, effective 4/1/09.

645—24.7(158,272C) Grounds for disciplinary action. Rescinded IAB 2/25/09, effective 4/1/09.

645—24.8(158,272C) Continuing education exemption for inactive practitioners. Rescinded IAB 8/17/05, effective 9/21/05.

645—24.9(158,272C) Continuing education exemption for disability or illness. Rescinded IAB 8/17/05, effective 9/21/05.

645—24.10(158,272C) Reinstatement of inactive practitioners. Rescinded IAB 8/17/05, effective 9/21/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 158.

[Filed 11/9/00, Notice 8/23/00—published 11/29/00, effective 1/3/01]
[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 11/6/03, Notice 8/20/03—published 11/26/03, effective 12/31/03]
[Filed 7/26/05, Notice 5/25/05—published 8/17/05, effective 9/21/05][◊]
[Filed 8/1/07, Notice 5/23/07—published 8/29/07, effective 10/3/07]
[Filed ARC 7578B (Notice ARC 7401B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

◊ Two or more ARCs

CHAPTER 25
DISCIPLINE FOR BARBERS, BARBER INSTRUCTORS, BARBERSHOPS AND BARBER SCHOOLS

[Prior to 2/20/02, see 645—Chapter 20]

645—25.1(158) Definitions.

"Board" means the board of barbering.

"Discipline" means any sanction the board may impose upon licensees, barbershops or barber schools.

"Licensure" means the granting of a license to practice as a barber or barber instructor or to operate a barbershop or barber school in Iowa.

645—25.2(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—25.3(152A,272C) when the board determines that any of the following acts or offenses have been committed:

25.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to:

a. An intentional perversion of the truth in making application for a license to practice in this state;

b. False representation of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state;

c. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

25.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice;

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other barbers in the state of Iowa acting in the same or similar circumstances;

c. A failure to exercise the degree of care which is ordinarily exercised by a barber acting in the same or similar circumstances; and

d. Failure to conform to the minimal standard of acceptable and prevailing practice of licensed barbers in this state.

25.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

25.2(4) Practice outside the scope of the profession.

25.2(5) Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, acts which constitute making false, deceptive, misleading or fraudulent representations in the practice of the profession.

25.2(6) Habitual intoxication or addiction to the use of drugs.

a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

b. The excessive use of drugs which may impair a licensee's ability to practice with reasonable skill or safety.

25.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

25.2(8) Falsification of client records.

25.2(9) Acceptance of any fee by fraud or misrepresentation.

25.2(10) Negligence in the practice of the profession. Negligence in the practice of the profession includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the licensee's ability to safely and skillfully practice the profession.

25.2(11) Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within the profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

25.2(12) Violation of a regulation, rule, or law of this state, another state, or the United States, which relates to the practice of barbering.

25.2(13) Revocation, suspension, or other disciplinary action taken by the professional licensing authority of this state or another state, territory, or country; or failure to report such action within 30 days of the final action by such licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

25.2(14) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice in another state, district, territory or country.

25.2(15) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

25.2(16) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

25.2(17) Engaging in any conduct that subverts or attempts to subvert a board investigation.

25.2(18) Failure to respond within 30 days to a communication of the board which was sent by registered or certified mail.

25.2(19) Failure to comply with a subpoena issued by the board or failure to cooperate with an investigation of the board.

25.2(20) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

25.2(21) Failure to pay costs assessed in any disciplinary action.

25.2(22) Submission of a false report of continuing education.

25.2(23) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

25.2(24) Knowingly aiding, assisting, or advising a person to unlawfully practice as a barber.

25.2(25) Failure to report a change of name or address within 30 days after it occurs.

25.2(26) Representing oneself as a licensed barber or barber instructor when the person's license has been suspended or revoked, or when the person's license is on inactive status.

25.2(27) Representing a barbershop or barber school as being licensed when the license has been suspended or revoked, or when the license is inactive.

25.2(28) Permitting another person to use one's barber license for any purpose.

25.2(29) Permitting an unlicensed employee or person under the licensee's or the entity's control to perform activities that require a license.

25.2(30) Permitting a licensed person under the licensee's or the entity's control to practice outside the scope of the person's license.

25.2(31) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:

a. Verbally or physically abusing a client or coworker.

b. Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.

c. Betrayal of a professional confidence.

d. Engaging in a professional conflict of interest.

e. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

25.2(32) Failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

25.2(33) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.
[**ARC 7578B**, IAB 2/25/09, effective 4/1/09]

645—25.3(158,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed $1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—25.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—25.5(158) Order for mental, physical, or clinical competency examination or alcohol or drug screening. Rescinded IAB 2/25/09, effective 4/1/09.

These rules are intended to implement Iowa Code chapters 147, 158 and 272C.

[Filed 2/1/02, Notice 11/28/01—published 2/20/02, effective 3/27/02]
[Filed 11/6/03, Notice 8/20/03—published 11/26/03, effective 12/31/03]
[Filed 7/26/05, Notice 5/25/05—published 8/17/05, effective 9/21/05]
[Filed 2/1/06, Notice 11/23/05—published 3/1/06, effective 4/5/06]
[Filed 4/25/06, Notice 3/1/06—published 5/24/06, effective 6/28/06]
[Filed 8/1/07, Notice 5/23/07—published 8/29/07, effective 10/3/07]
[Filed ARC 7578B (Notice ARC 7401B, IAB 12/3/08), IAB 2/25/09, effective 4/1/09]

CHAPTER 26
FEES
[Prior to 2/20/02, see 645—Chapter 20]
Rescinded IAB 2/25/09, effective 4/1/09

CHAPTER 27
IMPAIRED PRACTITIONER REVIEW COMMITTEE
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 28
Reserved

CHAPTER 29
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 30
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF BEHAVIORAL SCIENCE EXAMINERS
Rescinded IAB 1/14/09, effective 2/18/09

BEHAVIORAL SCIENTISTS

CHAPTER 31 LICENSURE OF MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

CHAPTER 32 CONTINUING EDUCATION FOR MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

CHAPTER 33 DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

CHAPTER 31
LICENSURE OF MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

[Prior to 1/30/02, see 645—Chapter 30]

645—31.1(154D) Definitions. For purposes of these rules, the following definitions shall apply:

"ACA" means the American Counseling Association.

"Active license" means a license that is current and has not expired.

"AMFTRB" means the Association of Marital and Family Therapy Regulatory Boards.

"Board" means the board of behavioral science.

"CCE" means the Center for Credentialing and Education, Inc.

"Course" means three graduate semester credit hours.

"CRCC" means the Commission on Rehabilitation Counselor Certification.

"Department" means the department of public health.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Licensee" means any person licensed to practice as a marital and family therapist or mental health counselor in the state of Iowa.

"License expiration date" means September 30 of even-numbered years.

"Licensure by endorsement" means the issuance of an Iowa license to practice mental health counseling or marital and family therapy to an applicant who is or has been licensed in another state.

"Mandatory training" means training on identifying and reporting child abuse or dependent adult abuse required of marital and family therapists and mental health counselors who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

"NBCC" means the National Board for Certified Counselors.

"Reactivate" or *"reactivation"* means the process as outlined in rule 31.16(17A,147,272C) by which an inactive license is restored to active status.

"Reciprocal license" means the issuance of an Iowa license to practice mental health counseling or marital and family therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of behavioral science to license persons who have the same or similar qualifications to those required in Iowa.

"Reinstatement" means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

"Temporary license" means a license to practice martial and family therapy or mental health counseling under direct supervision of a qualified supervisor as determined by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with this chapter.

645—31.2(154D) Requirements for licensure. The following criteria shall apply to licensure:

31.2(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (http://www.idph.state.ia.us/licensure) or directly from the board office. All applications shall be sent to the Board of Behavioral Science, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

31.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

31.2(3) Each application shall be accompanied by the appropriate fees payable to the Board of Behavioral Science. The fees are nonrefundable.

31.2(4) No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board of behavioral science have been received by the board.

31.2(5) The candidate shall have the examination score sent directly from the testing service to the board.

31.2(6) The completed application form shall be filed with the board of behavioral science with all required supervision forms and fees at least 90 days before the date of the examination.

31.2(7) A licensee who was issued an initial license within six months prior to the renewal shall not be required to renew the license until the renewal date two years later.

31.2(8) Incomplete applications that have been on file in the board office for more than two years shall be:

a. Considered invalid and shall be destroyed; or

b. Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

31.2(9) Notification of eligibility for examination shall be sent to the licensee by the board.

645—31.3(154D) Examination requirements. The following criteria shall apply to the written examination(s):

31.3(1) In order to qualify for licensing, the applicant:

a. For a marital and family therapist license shall take and pass the Association of Marital and Family Therapy Regulatory Board (AMFTRB) Examination in Marital and Family Therapy.

b. For a mental health counselor license shall take and pass the National Counselor Examination of the NBCC, or the National Clinical Mental Health Counselor Examination of the NBCC, or the Certified Rehabilitation Counselor Examination of the CRCC.

31.3(2) Examination information will be provided when the applicant has been approved to take the examination.

31.3(3) The board will notify the applicant in writing of examination results.

31.3(4) Persons determined by the board not to have performed satisfactorily may apply for reexamination.

31.3(5) The passing score on the written examination shall be the passing point criterion established by the appropriate national testing authority at the time the test was administered.

645—31.4(154D) Educational qualifications for marital and family therapists. The applicant must present proof of meeting the following educational requirements for licensure as a marital and family therapist:

31.4(1) *Accredited program.* Applicants must present with the application an official transcript verifying completion of a master's degree of 60 semester hours (or 80 quarter hours or equivalent) or a doctoral degree in marital and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) from a college or university accredited by an agency recognized by the United States Department of Education. Applicants who entered a program of study prior to July 1, 2008, must present with the application an official transcript verifying completion of a master's degree of 45 semester hours or the equivalent; or

31.4(2) *Content-equivalent program.* Applicants must present an official transcript verifying completion of a master's degree of 60 semester hours (or 80 quarter hours or equivalent) or a doctoral degree in a mental health, behavioral science, or a counseling-related field from a college or university accredited by an agency recognized by the United States Department of Education, which is content-equivalent to a graduate degree in marital and family therapy. Applicants who entered a program of study prior to July 1, 2008, must present with the application an official transcript verifying completion of a master's degree of 45 semester hours or the equivalent. After March 31, 2009, graduates from non-COAMFTE-accredited marital and family therapy programs shall provide an equivalency evaluation of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), Web site http://cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation. In order to qualify as a "content-equivalent" degree, a graduate transcript must document:

a. At least 9 semester hours or the equivalent in each of the three areas listed below:

(1) Theoretical foundations of marital and family therapy systems. Any course which deals primarily in areas such as family life cycle; theories of family development; marriage or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling).

(2) Assessment and treatment in family and marital therapy. Any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy, such as communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational.

(3) Human development. Any course which deals primarily in areas such as human development; personality theory; human sexuality. One course must be psychopathology.

b. At least 3 semester hours or the equivalent in each of the two areas listed below:

(1) Ethics and professional studies. Any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethical issues in marital and family counseling; and family law.

(2) Research. Any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy.

If the applicant has taught a graduate-level course as outlined above at a college or university accredited by an agency recognized by the United States Department of Education or the Council on Professional Accreditation, that course will be credited toward the course requirements.

c. A graduate-level clinical practicum in marital and family therapy of at least 300 clock hours is required for all applicants.

645—31.5(154D) Clinical experience requirements for marital and family therapists.

31.5(1) The supervised clinical experience shall:

a. Be a minimum of two years or the equivalent of full-time supervised clinical work experience in marital and family therapy;

b. Be completed following the practicum and all graduate coursework, with the exception of the thesis;

c. Include successful completion of at least 300 hours of clinical supervision concurrent with 2,000 hours of marital and family therapy conducted in person with couples, families, and individuals. Applicants who entered a program of study prior to July 1, 2008, shall include successful completion of 200 hours of clinical supervision concurrent with 1,000 hours of marital and family therapy conducted in person with couples, families, and individuals;

d. Include at least 150 of the 300 hours of clinical supervision as individual supervision. Applicants who entered a program of study prior to July 1, 2008, shall include at least 100 of the 200 hours of clinical supervision as individual supervision;

e. Have 50 percent (150 hours) of the clinical supervision conducted in person. Applicants who entered a program of study prior to July 1, 2008, shall have 100 hours of the clinical supervision conducted in person; and

f. Have only supervised clinical contact credited for this requirement.

31.5(2) To meet the requirements of the supervised clinical experience:

a. The supervisee must:

(1) Meet with the supervisor for a minimum of four hours per month;

(2) Offer documentation of supervised hours signed by the supervisor;

(3) Compute part-time employment on a prorated basis for the supervised professional experience;

(4) Have the background, training, and experience that is appropriate to the functions performed;

(5) Have supervision that is clearly distinguishable from personal psychotherapy and is contracted in order to serve professional/vocational goals;

(6) Have individual supervision that shall be in person with no more than one supervisor to two supervisees;

(7) Have group supervision that may be completed with up to ten supervisees and a supervisor; and

(8) Not participate in the following activities which are deemed unacceptable for clinical supervision:

1. Peer supervision, i.e., supervision by a person of equivalent, but not superior, qualifications, status, and experience.

2. Supervision, by current or former family members, or any other person, in which the nature of the personal relationship prevents, or makes difficult, the establishment of a professional relationship.

3. Administrative supervision, e.g., clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.

4. A primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop, or seminar.

5. Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.

b. The supervisor shall:

(1) Be an Iowa-licensed marital and family therapist with a minimum of three years of clinical experience following licensure; or

(2) Be a supervisor or supervisor candidate approved by the American Association for Marriage and Family Therapy Commission on Supervision; or

(3) Be licensed under Iowa Code chapter 147 and have a minimum of three years of full-time professional work experience, including experience in marital and family therapy, as approved by the board; and

(4) Meet a minimum of four hours per month with the supervisee; and

(5) Provide training that is appropriate to the functions to be performed; and

(6) Ensure that therapeutic work is completed under the professional supervision of a supervisor; and

(7) Not supervise any marital and family therapy or permit the supervisee to engage in any therapy which the supervisor cannot perform competently.

31.5(3) An applicant who has obtained American Association for Marriage and Family Therapy clinical membership and has provided a transcript sent directly from the school to the board is considered to have met the educational and clinical experience requirements of rules 31.4(154D) and 31.5(154D).

645—31.6(154D) Educational qualifications for mental health counselors. The applicant must present proof of meeting the following educational requirements for a mental health counselor:

31.6(1) *Accredited program.* Applicants must present with the application an official transcript verifying completion of a master's degree of 60 semester hours (or equivalent quarter hours) or a doctoral degree in counseling with emphasis in mental health counseling from a mental health counseling program accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) from a college or university accredited by an agency recognized by the United

States Department of Education. Applicants who entered a program of study prior to July 1, 2008, must present with the application an official transcript verifying completion of a master's degree of 45 semester hours or the equivalent; or

31.6(2) *Content-equivalent program.* Applicants must present an official transcript verifying completion of a master's degree or a doctoral degree from a college or university accredited by an agency recognized by the United States Department of Education which is content-equivalent to a master's degree in counseling with emphasis in mental health counseling. Applicants who entered a program of study prior to July 1, 2008, must present with the application an official transcript verifying completion of a master's degree of 45 semester hours or the equivalent. After March 31, 2009, graduates from non-CACREP-accredited mental health counseling programs shall provide an equivalency evaluation of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), Web site http://cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation. The degree will be considered as "content-equivalent" if it includes 60 semester hours (or equivalent quarter hours) and successful completion of graduate-level coursework in each of the following areas:

a. *Professional identity.* Studies that provide an understanding of all of the following aspects of professional functioning:

(1) History and philosophy of the counseling profession, including significant factors and events;

(2) Professional roles, functions, and relationships with other providers of human services;

(3) Technological competence and computer literacy;

(4) Professional organizations, primarily ACA, its divisions, branches, and affiliates, including membership benefits, activities, services to members, and current emphases;

(5) Professional credentialing, including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues;

(6) Public and private policy processes, including the role of the professional counselor in advocating on behalf of the profession;

(7) Advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients; and

(8) Ethical standards of ACA and related entities, and applications of ethical and legal considerations in professional counseling.

b. *Social and cultural diversity.* Studies that provide an understanding of the cultural context of relationships, issues, and trends in a multicultural and diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status and unique characteristics of individuals, couples, families, ethnic groups, and communities including all of the following:

(1) Multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;

(2) Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;

(3) Individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;

(4) Counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, processes of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind or body;

(5) Theories of multicultural counseling, theories of identity development, and multicultural competencies; and

(6) Ethical and legal considerations.

c. *Human growth and development.* Studies that provide an understanding of the nature and needs of individuals at all developmental levels, including all of the following:

(1) Theories of individual and family development and transitions across the life span;

(2) Theories of learning and personality development;

(3) Human behavior including an understanding of developmental crises, disability, exceptional behavior, addictive behavior, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior;

(4) Strategies for facilitating optimum development over the life span; and

(5) Ethical and legal considerations.

d. *Career development.* Studies that provide an understanding of career development and related life factors, including all of the following:

(1) Career development theories and decision-making models;

(2) Career, avocational, educational, occupational and labor market information resources, visual and print media, computer-based career information systems, and other electronic career information systems;

(3) Career development program planning, organization, implementation, administration, and evaluation;

(4) Interrelationships among and between work, family, and other life roles and factors including the role of diversity and gender in career development;

(5) Career and educational planning, placement, follow-up, and evaluation;

(6) Assessment instruments and techniques that are relevant to career planning and decision making;

(7) Technology-based career development applications and strategies, including computer-assisted career guidance and information systems and appropriate worldwide Web sites;

(8) Career counseling processes, techniques, and resources, including those applicable to specific populations; and

(9) Ethical and legal considerations.

e. *Helping relationships.* Studies that provide an understanding of counseling and consultation processes, including all of the following:

(1) Counselor and consultant characteristics and behaviors that influence helping processes including age, gender, and ethnic differences, verbal and nonverbal behaviors and personal characteristics, orientations, and skills;

(2) An understanding of essential interviewing and counseling skills so that the student is able to develop a therapeutic relationship, establish appropriate counseling goals, design intervention strategies, evaluate client outcome, and successfully terminate the counselor-client relationship. Studies will also facilitate student self-awareness so that the counselor-client relationship is therapeutic and the counselor maintains appropriate professional boundaries;

(3) Counseling theories that provide the student with a consistent model(s) to conceptualize client presentation and select appropriate counseling interventions. Student experiences should include an examination of the historical development of counseling theories, an exploration of affective, behavioral, and cognitive theories, and an opportunity to apply the theoretical material to case studies. Students will also be exposed to models of counseling that are consistent with current professional research and practice in the field so that they can begin to develop a personal model of counseling;

(4) A systems perspective that provides an understanding of family and other systems theories and major models of family and related interventions. Students will be exposed to a rationale for selecting family and other systems theories as appropriate modalities for family assessment and counseling;

(5) A general framework for understanding and practicing. Student experiences should include an examination of the historical development of consultation, an exploration of the stages of consultation and the major models of consultation, and an opportunity to apply the theoretical material to case presentations. Students will begin to develop a personal model of consultation;

(6) Integration of technological strategies and applications within counseling and consultation processes; and

(7) Ethical and legal considerations.

f. *Group work.* Studies that provide both theoretical and experiential understanding of group purpose, development, dynamics, counseling theories, group counseling methods and skills, and other group approaches, including all of the following:

(1) Principles of group dynamics, including group process components, developmental stage theories, group members' roles and behaviors, and therapeutic factors of group work;

(2) Group leadership styles and approaches, including characteristics of various types of group leaders and leadership styles;

(3) Theories of group counseling, including commonalties, distinguishing characteristics, and pertinent research and literature;

(4) Group counseling methods, including group counselor orientations and behaviors, appropriate selection criteria and methods, and methods of evaluation of effectiveness;

(5) Approaches used for other types of group work, including task groups, psychoeducational groups, and therapy groups;

(6) Professional preparation standards for group leaders; and

(7) Ethical and legal considerations.

g. *Assessment.* Studies that provide an understanding of individual and group approaches to assessment and evaluation, including the following:

(1) Historical perspectives concerning the nature and meaning of assessment;

(2) Basic concepts of standardized and nonstandardized testing and other assessment techniques including norm-referenced and criterion-referenced assessment, environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;

(3) Statistical concepts, including scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions, and correlations;

(4) Reliability (i.e., theory of measurement error, models of reliability, and the use of reliability information);

(5) Validity (i.e., evidence of validity, types of validity, and the relationship between reliability and validity);

(6) Age, gender, sexual orientation, ethnicity, language, disability, culture, spirituality, and other factors related to the assessment and evaluation of individuals, groups, and specific populations;

(7) Strategies for selecting, administering, and interpreting assessment and evaluation instruments and techniques in counseling;

(8) An understanding of general principles and methods of case conceptualization, assessment, or diagnoses of mental and emotional status; and

(9) Ethical and legal considerations.

h. *Research and program evaluation.* Studies that provide an understanding of research methods, statistical analysis, needs assessment, and program evaluation, including all of the following:

(1) The importance of research and opportunities and difficulties in conducting research in the counseling profession;

(2) Research methods such as qualitative, quantitative, single-case designs, action research, and outcome-based research;

(3) Use of technology and statistical methods in conducting research and program evaluation, assuming basic computer literacy;

(4) Principles, models, and applications of needs assessment, program evaluation, and use of findings to effect program modifications;

(5) Use of research to improve counseling effectiveness; and

(6) Ethical and legal considerations.

i. *Diagnosis and treatment planning.* Studies that provide an understanding of individual and group approaches to assessment and evaluation. Studies in this area include, but are not limited to, the following:

(1) The principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual;

(2) The established diagnostic criteria for mental or emotional disorders that describe treatment modalities and placement criteria within the continuum of care;

(3) The impact of co-occurring substance use disorders on medical and psychological disorders;

(4) The relevance and potential biases of commonly used diagnostic tools as related to multicultural populations;

(5) The appropriate use of diagnostic tools, including the current edition of the Diagnostic and Statistical Manual, to describe the symptoms and clinical presentation of clients with mental or emotional impairments; and

(6) The ability to conceptualize accurate multi-axial diagnoses of disorders presented by clients and how to communicate the differential diagnosis to clients' managed care and insurance companies or other third-party payers.

j. *Psychopathology.* Studies that provide an understanding of emotional and mental disorders experienced by persons of all ages, characteristics of disorders, and common nosologies of emotional and mental disorders utilized within the U.S. health care system for diagnosis and treatment planning. Studies in this area include, but are not limited to, the following:

(1) Study of cognitive, behavioral, physiological and interpersonal mechanisms for adapting to change and to stressors;

(2) Role of genetic, physiological, cognitive, environmental and interpersonal factors, and their interactions, on development of the form, severity, course and persistence of the various types of disorders and dysfunction;

(3) Research methods and findings pertinent to the description, classification, diagnosis, origin, and course of disorders and dysfunction;

(4) Theoretical perspectives relevant to the origin, development, and course and outcome for the forms of behavior disorders and dysfunction; and

(5) Methods of intervention or prevention used to minimize and modify maladaptive behaviors, disruptive and distressful cognition, or compromised interpersonal functioning associated with various forms of maladaptation.

k. *Practicum.* A graduate-level clinical supervised counseling practicum in which students must complete supervised practicum experiences that total a minimum of 100 clock hours prior to receiving the master's degree. The practicum provides for the development of counseling skills under supervision. The student's practicum includes all of the following:

(1) Forty hours of direct service with clients, including experience in individual counseling and group work;

(2) Weekly interaction with an average of one hour per week of individual and triadic supervision which occurs regularly over a minimum of one academic term by a program faculty member or a supervisor working under the supervision of a program faculty member;

(3) An average of one and one-half hours per week of group supervision that is provided on a regular schedule over the course of the student's practicum by a program faculty member or a supervisor under the supervision of a program faculty member; and

(4) Evaluation of the student's performance throughout the practicum including a formal evaluation after the student completes the practicum.

l. *Internship.* A graduate-level clinical supervised counseling internship that requires students to complete a supervised internship of 600 clock hours that is begun after successful completion of the student's practicum and prior to receiving the master's degree. The internship provides an opportunity for the student to perform, under supervision, a variety of counseling activities that a professional counselor is expected to perform. The student's internship includes all of the following:

(1) A minimum of 240 hours of direct service with clientele appropriate to the program of study;

(2) A minimum of one hour per week of individual supervision and triadic supervision, throughout the internship, usually performed by the on-site supervisor;

(3) A minimum of one and one-half hours per week of group supervision, throughout the internship, usually performed by a program faculty member supervisor;

(4) The opportunity for the student to become familiar with a variety of professional activities in addition to direct service (e.g., record keeping, supervision, information and referral, in-service and staff meetings);

(5) The opportunity for the student to develop program-appropriate audiotapes or videotapes, or a combination of both, of the student's interactions with clients for use in supervision;

(6) The opportunity for the student to gain supervised experience in the use of a variety of professional resources such as assessment instruments, technologies, print and nonprint media, professional literature, and research; and

(7) A formal evaluation of the student's performance during the internship by a program faculty member in consultation with the site supervisor.

If the applicant has taught a graduate-level course as outlined above at a college or university accredited by an agency recognized by the United States Department of Education or the Council on Professional Accreditation, that course may be credited toward the course requirement.

31.6(3) *Foreign-trained marital and family therapists or mental health counselors.* Foreign-trained marital and family therapists or mental health counselors shall:

a. Provide an equivalency evaluation of their educational credentials by the following: International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone (310)258-9451; Web site www.ierf.org or E-mail at info@ierf.org. The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a mental health counselor program in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

645—31.7(154D) Clinical experience requirements for mental health counselors.

31.7(1) The supervised clinical experience shall:

a. Be a minimum of two years or the equivalent of full-time supervised professional work experience in mental health counseling;

b. Be completed following completion of the practicum and all graduate coursework, with exception of the thesis;

c. Include successful completion of at least 300 hours of clinical supervision concurrent with 2,000 hours of mental health counseling conducted in person with individuals, couples or families. Applicants who entered a program of study prior to July 1, 2008, shall include successful completion of 200 hours of clinical supervision concurrent with 1,000 hours of mental health counseling conducted in person with couples, families and individuals;

d. Include at least 150 of the 300 hours of supervision as individual supervision. Applicants who entered a program of study prior to July 1, 2008, shall include at least 100 of the 200 hours of clinical supervision as individual supervison;

e. Include 50 percent (150 hours) of all clinical supervision in person. Applicants who entered a program of study prior to July 1, 2008, shall have 100 hours of the clinical supervision conducted in person; and

f. Have only supervised clinical contact credited for this requirement.

31.7(2) To meet the requirements of the supervised clinical experience:

a. The supervisee must:

(1) Meet with the supervisor a minimum of four hours per month;

(2) Offer documentation of supervised hours signed by the supervisor;

(3) Compute part-time employment on a prorated basis for the supervised professional experience;

(4) Have the background, training, and experience that are appropriate to the functions performed;

(5) Have supervision that is clearly distinguishable from personal counseling and is contracted in order to serve professional/vocational goals;

(6) Have individual supervision that shall be in person with no more than one supervisor to two supervisees;

(7) Have group supervision that may be completed with up to ten supervisees and a supervisor; and

(8) Not participate in the following activities which are deemed unacceptable for clinical supervision:

1. Peer supervision, i.e., supervision by a person of equivalent, but not superior, qualifications, status, and experience.

2. Supervision, by current or former family members, or any other person, in which the nature of the personal relationship prevents, or makes difficult, the establishment of a professional relationship.

3. Administrative supervision, e.g., clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.

4. A primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop, or seminar.

5. Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.

b. The supervisor:

(1) May be a licensed mental health counselor in Iowa with at least three years of postlicensure clinical experience; or

(2) Shall be approved by the National Board for Certified Counselors (NBCC) as a supervisor; or

(3) May be an alternate supervisor who possesses qualifications equivalent to a licensed mental health counselor with at least three years of postlicensure clinical experience, including mental health professionals licensed pursuant to Iowa Code chapter 147; and

(4) Shall meet a minimum of four hours per month with the supervisee; and

(5) Shall provide training that is appropriate to the functions to be performed; and

(6) Shall ensure that therapeutic work is done under the professional supervision of a supervisor; and

(7) Shall not supervise any mental health counselor or permit the supervisee to engage in any therapy which the supervisor cannot perform competently.

31.7(3) Rescinded IAB 7/6/05, effective 8/10/05.

31.7(4) An applicant who has obtained Certified Clinical Mental Health Counselor status with the National Board for Certified Counselors (NBCC) and submits a transcript sent directly from the school to the board is considered to have met the educational and clinical experience requirements of rules 31.6(154D) and 31.7(154D).

645—31.8(154D) Licensure by endorsement. An applicant who has been a licensed marriage and family therapist or mental health counselor under the laws of another jurisdiction may file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;

2. Pays the licensure fee;

3. Shows evidence of licensure requirements that are similar to those required in Iowa;

4. Provides official transcripts sent directly from the school to the board verifying completion of a master's degree of 45 hours or equivalent if the applicant entered a program of study prior to July 1, 2008, or verifying completion of a master's degree of 60 hours or equivalent if the applicant entered a program of study on or after July 1, 2008, or the appropriate doctoral degree. After March 31, 2009, graduates from a non-CACREP-accredited mental health counselor program or a non-COAMFTE-accredited marital and family therapy program shall provide an equivalency evaluation of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), Web site http://cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation;

5. Supplies satisfactory evidence of the candidate's qualifications in writing on the prescribed forms by the candidate's supervisors. If verification of clinical experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision; and

6. Provides verification(s) of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- Licensee's name;
- Date of initial licensure;
- Current licensure status; and
- Any disciplinary action taken against the license.

7. In lieu of the requirements listed in paragraphs "3" through "5" of this rule, a mental health counselor applicant may provide to the board evidence that the applicant has demonstrated appropriate qualifications at either tier 1 or tier 2 of the National Credentials Registry of the American Association of State Counseling Boards. The mental health counselor applicant shall have the National Credentials Registry of the American Association of State Counseling Boards send directly to the board official verification that the applicant has met the qualifications.

645—31.9(147) Licensure by reciprocal agreement. Rescinded IAB 1/14/09, effective 2/18/09.

645—31.10(147) License renewal.

31.10(1) The biennial license renewal period for a license to practice marital and family therapy or mental health counseling shall begin on October 1 of an even-numbered year and end on September 30 of the next even-numbered year. The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

31.10(2) An individual who was issued an initial license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

31.10(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—32.2(272C) and the mandatory reporting requirements of subrule 31.10(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

c. An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

31.10(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

Training may be completed through separate courses as identified in paragraphs *"a"* and *"b"* or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs *"a"* to *"c,"* including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

f. The board may select licensees for audit of compliance with the requirements in paragraphs *"a"* to *"e."*

31.10(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

31.10(6) A person licensed to practice as a marital and family therapist or mental health counselor shall keep the person's license certificate and wallet card displayed in a conspicuous public place at the primary site of practice.

31.10(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.3(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

31.10(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice mental health counseling or marital and family therapy in Iowa until the license is reactivated. A licensee who practices mental health counseling or marital and family therapy in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—31.11(272C) Exemptions for inactive practitioners. Rescinded IAB 7/6/05, effective 8/10/05.

645—31.12(147) Licensee record keeping.

31.12(1) A licensee shall maintain sufficient, timely, and accurate documentation in client records.

31.12(2) For purposes of this rule, "client" means the individual, couple, family, or group to whom a licensee provides direct clinical services.

31.12(3) A licensee's records shall reflect the services provided, facilitate the delivery of services, and ensure continuity of services in the future.

31.12(4) Clinical services. A licensee who provides clinical services in any employment setting, including private practice, shall:

a. Store records in accordance with state and federal statutes and regulations governing record retention and with the guidelines of the licensee's employer or agency, if applicable. If no other legal provisions govern record retention, a licensee shall store all client records for a minimum of seven years after the date of the client's discharge or death, or, in the case of a minor, for three years after the client reaches the age of majority under state law or seven years after the date of the client's discharge or death, whichever is longer.

b. Maintain timely records that include subjective and objective data, an assessment, a treatment plan, and any revisions to the assessment or plan made during the course of treatment.

c. Provide the client with reasonable access to records concerning the client. A licensee who is concerned that a client's access to the client's records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. A licensee may limit a client's access to the client's records, or portions of the records, only in exceptional circumstances when there is compelling evidence that such access would cause serious

harm to the client. Both the client's request for access and the licensee's rationale for withholding some or all of a record shall be documented in the client's records.

d. Take steps to protect the confidentiality of other individuals identified or discussed in any records to which a client is provided access.

31.12(5) Electronic record keeping. The requirements of this rule apply to electronic records as well as to records kept by any other means. When electronic records are kept, the licensee shall ensure that a duplicate hard-copy record or a backup, unalterable electronic record is maintained.

31.12(6) Correction of records.

a. *Hard-copy records.* Original notations shall be legible, written in ink, and contain no erasures or whiteouts. If incorrect information is placed in the original record, it must be crossed out with a single, nondeleting line and be initialed and dated by the licensee.

b. *Electronic records.* If a record is stored in an electronic format, the record may be amended with a signed addendum attached to the record.

31.12(7) Confidentiality and transfer of records. Marital and family therapists or mental health counselors shall preserve the confidentiality of client records in accordance with their respective rules of conduct and with federal and state law. Upon receipt of a written release or authorization signed by the client, the licensee shall furnish such therapy records, or copies of the records, as will be beneficial for the future treatment of that client. A fee may be charged for duplication of records, but a licensee may not refuse to transfer records for nonpayment of any fees. A written request may be required before transferring the record(s).

31.12(8) Retirement, death or discontinuance of practice.

a. If a licensee is retiring or discontinuing practice and is the owner of a practice, the licensee shall notify in writing all active clients and, upon knowledge and agreement of the clients, shall make reasonable arrangements with those clients to transfer client records, or copies of those records, to the succeeding licensee.

b. Upon a licensee's death:

(1) The licensee's employer or representative must ensure that all client records are transferred to another licensee or entity that is held to the same standards of confidentiality and agrees to act as custodian of the records.

(2) The licensee's employer or representative shall notify each active client that the client's records will be transferred to another licensee or entity that will retain custody of the records and that, at the client's written request, the records will be sent to the licensee or entity of the client's choice.

31.12(9) Nothing stated in this rule shall prohibit a licensee from conveying or transferring the licensee's client records to another licensed individual who is assuming a practice, provided that written notice is furnished to all clients.

645—31.13(147) Duplicate certificate or wallet card. Rescinded IAB 1/14/09, effective 2/18/09.

645—31.14(147) Reissued certificate or wallet card. Rescinded IAB 1/14/09, effective 2/18/09.

645—31.15(17A,147,272C) License denial. Rescinded IAB 1/14/09, effective 2/18/09.

645—31.16(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

31.16(1) Submit a reactivation application on a form provided by the board.

31.16(2) Pay the reactivation fee that is due as specified in 645—Chapter 5.

31.16(3) Provide verification of current competence to practice mental health counseling or marital and family therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly

from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 40 hours of continuing education within two years of the application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 80 hours of continuing education within two years of application for reactivation.

645—31.17(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 31.16(17A,147,272C) prior to practicing mental health counseling or marital and family therapy in this state.

645—31.18(154D) Marital and family therapy and mental health counselor services subject to regulation. Marital and family therapy and mental health counselor services provided to an individual in this state through telephonic, electronic or other means, regardless of the location of the marital and family therapy and mental health counselor, shall constitute the practice of marital and family therapy and mental health counseling and shall be subject to regulation in Iowa.

These rules are intended to implement Iowa Code chapters 17A, 147, 154D and 272C.

[Filed 6/5/92, Notice 4/15/92—published 6/24/92, effective 7/29/92]
[Filed emergency 7/31/92—published 8/19/92, effective 7/31/92]
[Filed 11/17/94, Notice 9/14/94—published 12/7/94, effective 1/11/95]
[Filed 5/2/97, Notice 3/12/97—published 5/21/97, effective 6/25/97]
[Filed 5/16/97, Notice 4/9/97—published 6/4/97, effective 7/9/97]
[Filed 8/21/98, Notice 7/15/98—published 9/9/98, effective 10/14/98]
[Filed 4/2/99, Notice 2/10/99—published 4/21/99, effective 5/26/99]
[Filed 2/1/01, Notice 10/18/00—published 2/21/01, effective 3/28/01]
[Filed 12/6/01, Notice 10/3/01—published 12/26/01, effective 1/30/02]
[Filed 3/29/02, Notice 2/20/02—published 4/17/02, effective 5/22/02]
[Filed 9/26/02, Notice 7/24/02—published 10/16/02, effective 11/20/02]
[Filed 12/12/03, Notice 10/15/03—published 1/7/04, effective 2/11/04]
[Filed 6/15/05, Notice 4/13/05—published 7/6/05, effective 8/10/05]◊
[Filed 12/9/05, Notice 10/12/05—published 1/4/06, effective 2/8/06]
[Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]
[Filed 2/15/07, Notice 12/6/06—published 3/14/07, effective 4/18/07]
[Filed 12/11/08, Notice 10/22/08—published 1/14/09, effective 2/18/09][1]

[Editorial change: IAC Supplement 2/25/09]

◊ Two or more ARCs

1 February 18, 2009, effective date of amendments to 645—31.4(154D) to 645—31.8(154D), **ARC 7476B**, Items 5 to 9, delayed 70 days by the Administrative Rules Review Committee at its meeting held February 6, 2009.

EASEMENTS
Blufflands, conservation **571**—24.9
Dams, construction **567**—72.3(2)*b*
Highways, land acquisition **761**—116.4
Land use, restriction, recycled property **567**—137.7(2)*e*, 137.7(3)
Pipelines **199**—9.4(3,7), 10.2(1)*h*, 10.2(2), 10.3(4), 10.14, *see also PIPELINES*
Primary road access control **761**—ch 112
Utilities
See also Pipelines above
Communications **199**—25.2(4)
Electric **199**—11.4(6), 11.5, 24.4(1)*i*, 25.2(4)
Public lands/waters **571**—ch 13
Wastewater disposal **567**—69.5(1)*b*, 69.6(1)*h*
Wells, construction **567**—49.6(5)

ECONOMIC DEVELOPMENT DEPARTMENT
ACE program, *see Grants below*
Address **261**—1.5, 41.4, 57.7, 58.6, 102.8(1), 103.11(1), 104.9(1), 105.8(1), 106.6(1), 107.6(1), 108.6(1), 109.7(1), 164.7, 164.8, 400.2(4)
Agricultural products/processes, value-added
Definition **261**—68.1
Financial assistance program (VAAPFAP) **261**—50.2(3), chs 57, 172–175, 187–189, *see also Life Science Enterprises below*
Taxation credit/exemption **261**—58.2, 58.4(3)*a*,*e*, 59.2, 59.6(3)*c*(5), 64.2, 64.4(4), 68.2(4)*b*, 68.4(4)*c*; **701**—42.2(10)*b*, 42.27(2)*b*, 52.10(4), 52.28(2)*b*, 80.18
Appeals **261**—1.3(5), 23.15(12), 25.9(11), 28.9(9)
Board
See also City Development Board below
Generally **261**—1.2, 1.3, 165.4(1)*f*, 195.15(2)
Committees **261**—1.3(4), 69.2, 187.4(2,3)
Brownfield redevelopment program, *see Grants below*
Business accelerator program **261**—31.13–31.18
Business resource centers **261**—31.20, 165.4(6)*a*
Capital investment program, *see New Capital Investment Program (NCIP) below*
CDBG, *see Grants: Block below*
CEBA, *see Community Economic Betterment Account (CEBA) Program below*
City development board **261**—21.2(3), ch 37
COG (councils of government) assistance **261**—ch 44
Cogeneration pilot program **261**—ch 62
Committees, advisory **261**—1.4(6), *see also Board above*
Community college equipment/training, *see Funds below*
Community development fund **261**—ch 41
Community economic betterment account (CEBA) program
See also Funds subheadings Agreements; Contracts; Environmental Criteria; Point System; Wage Thresholds below
Generally **261**—ch 53
Address **261**—53.6(3)*b*
Administration **261**—50.2(3)
Application, rank/award **261**—53.6–53.12, ch 175
Business opportunities/product development **261**—53.2, 53.6(3)*e*, 53.7, 53.9
Comprehensive management assistance/entrepreneurial development **261**—53.12
Definitions **261**—53.2, 173.2

Eligibility, applicants/projects **261**—53.4–53.6, 53.10, 53.12
Reports **261**—ch 189
Small business **261**—53.2, 53.6(3)*e*, 53.7, 53.8, 53.9(2), 53.9(3)*d*
Venture project components **261**—53.2, 53.10

Contracts **261**—24.12(1,4), 34.4(7), 35.7, 38.8, 39.3(2), 102.10, 103.13, 104.13, 105.10, 106.8, 107.8, 108.8, 109.9, 110.11, 111.11, 112.11, 171.3, 171.4, chs 187, 188, 212.10, *see also Community Economic Betterment Account (CEBA) Program above; Job Training Programs below*
Declaratory orders **261**—ch 198
Demonstration fund **261**—ch 105
Director **261**—1.2, 1.4, 8.4, 8.5, 163.2(1); **349—**1.6; **541**—10.3
Divisions
Generally **261**—1.4(4)
Administration **261**—chs 163–165
Business development **261**—chs 50, 51, 53–55, 57–72
Community development **261**—chs 21, 23–26, 28–39, 41, 44, 46, 47
Innovation and commercialization **261**—chs 101–109

Endow Iowa grants program, *see Grants below*
Enterprise areas **261**—31.8–31.12
Enterprise zones (EZ) **261**—ch 59, 68.2(8), 68.4(1)*b*, 68.4(4)*c*(4), 68.4(6)*g*, 171.2, chs 173–175; **701**—42.2(10,11), 42.17, 46.9(2), 52.7(5), 52.14, 52.20, 58.9, *see also HOMES, HOUSING*
EVA, *see Funds below*
Exports, trade assistance **261**—chs 69, 72
Film production, taxation credits **261**—ch 36
Fuel, *see Renewable Fuels/Coproducts below*
Funds
See also Contracts above; Grants below; Loan Programs below
Agreements **261**—171.3, 171.4
Application/approval, *generally* **261**—ch 175
Community college equipment/training **261**—ch 106
Contracts **261**—chs 187, 188, *see also Contracts above*
Disaster recovery **261**—23.14
Entrepreneurial ventures assistance (EVA) **261**—chs 60, 172–175, 187–189
Environmental criteria **261**—ch 172
Export trade assistance program **261**—ch 72
Grow Iowa values fund (GIVF/IVF) **261**—ch 9, 20.19, 31.5, chs 165, 172–175, 187–189
Housing
Assistance program, local (LHAP) **261**—ch 28
Community development **261**—ch 41
HOME/CDBG program, *see Housing Fund (HOME/CDBG) below*
Tax increment financing (TIF) **261**—ch 26
Information technology
Demonstration **261**—ch. 105
Joint venture **261**—ch. 102
Networking, targeted industries **261**—ch 107
Training program **261**—ch 103, *see also Job Training Programs: Iowa Jobs below*

Job training, *see Job Training Programs below*
Physical infrastructure assistance program (PIAP) **261**—ch 61, 165.4(1), chs 172–175, 187–189
Point system **261**—ch 171
Recipients, reports **261**—ch 189, *see also specific program*
Regents, research utilization program **261**—63.5

Region initiatives **261**—ch 31, 165.1, 165.4
School to career program **261**—ch 11
Targeted industry
See also Community College Equipment/Training this subheading above
Career awareness **261**—ch 109
Internship program **261**—ch 104
Loan manufacturing institute training program **261**—ch 110
Management talent recruitment program **261**—ch 112
Networking fund **261**—ch 107
Student competition **261**—ch 108
Supplier capacity/product database program **261**—ch 111

Wage thresholds **261**—20.13, 173.2, ch 174
Workforce development, *see Job Training Programs below*

Generation Iowa commission **261**—ch 400
GIVF, *see Funds above*
Grants
See also Funds above; Loan Programs below
Accelerated career education (ACE) program **261**—20.1–20.9, 20.18
Agriculture **261**—ch 57
Block **261**—chs 21, 23, 25
Brownfield redevelopment program **261**—ch 65, 165.4(1), 171.2, chs 172–175, 187–189
Community **261**—chs 21, 23–25, 28, 29, 33, 35, 39, 41, 44, 46, 211, *see also Housing Fund (HOME/CDBG) below; Main Street Program below; GRANTS: Block*
Demonstration fund, *see Funds above*
Disabilities, employment/training **261**—ch 30
Endow Iowa program **261**—ch 46
Fuel, renewable
Administration **261**—ch 314
Biodiesel terminals **261**—ch 313
Motor fuel sites **261**—ch 312

Homeless **261**—21.2(2,4), chs 24, 28, 29
Housing **261**—chs 23–25, 28
Information technology **261**—chs 102, 105, 107
Port authority program **261**—ch 70
Research, renewable fuels/coproducts **261**—ch 57
Set-aside program (EDSA/PFSA) **261**—23.2, 23.4(4), 23.7, 23.8
Small business, *see Small Business below*
Sports authority, regional districts **261**—ch 38
Targeted industry **261**—chs 110–112
Tourism marketing, regional **261**—ch 35
Welcome center program **261**—34.4(4)
Wine/beer promotion **261**—ch 33

High quality job creation (HQJC) program
See also Funds subheadings Application/Approval, Generally; Contracts; Environmental Criteria; Point System; Wage Thresholds above
Application **261**—68.3
Definitions **261**—68.1, 173.2
Eligibility **261**—68.2
Reports **261**—ch 189
Tax incentives/assistance **261**—68.3(1,4), 68.4; **701**—42.27, 52.28

High technology apprenticeship program, *see Job Training Programs: Iowa Jobs below*
Historic preservation, *see Main Street Program below*
Home investment partnership program, *see Housing Fund (HOME/CDBG) below*
Homeless, *see Grants above*
Housing and Urban Development (HUD) **261**—23.2, ch 25
Housing assistance program, local (LHAP), *see Funds above*
Housing fund (HOME/CDBG)
  Activities, eligibility **261**—25.4
  Administration **261**—21.2(2,4)
  Appeals **261**—25.9(11)
  Application **261**—25.3, 25.5–25.7
  Assistance types **261**—25.4(2)
  Compliance **261**—25.9(9–11)
  Contracts **261**—25.9(2,3,7,8)
  Definitions **261**—25.2
  Funds, allocation **261**—25.8

HUD, *see Housing and Urban Development (HUD) above*
Industrial new jobs training program, *see Job Training Programs below*
Information technology, *see Funds above*
Iowa jobs training Act program, *see Job Training Programs: Iowa Jobs below*
Job training programs
  See also DISABILITIES: Employment
  Accelerated career education (ACE) program
    Agreements **261**—20.2, 20.3(3), 20.4, 20.6, 20.10, 20.11(3), 20.13, 20.14, 20.16
    Applications **261**—20.11
    Contracts **261**—20.11(3)
    Costs **261**—20.9–20.12, 20.19
    Credits, withholding taxes **261**—20.2, 20.13–20.17; **701**—46.7
    Eligibility **261**—20.3, 20.13, 20.15(1)*b*
    Evaluation **261**—20.12, 20.16
    Funding **261**—9.5(1), 9.6(2), 20.4, 20.10, 20.11, 20.19
    Purpose **261**—20.1

  Career link program **261**—23.9
  Information technology **261**—chs 7, 103
  Iowa industrial new jobs
    Agreements **261**—5.4
    Certificates **261**—5.3, 5.4(8), 5.7, 5.11
    Costs **261**—5.4(5–8), 5.9, 5.11
    Definitions **261**—5.3
    Purpose **261**—5.2
    Taxation
      Property **261**—5.5, 5.8, 5.9
      Withholding credits **261**—5.4(2), 5.6, 5.9, 5.13; **701**—46.8

  Iowa jobs
    Agreements **261**—7.18, 7.19, 7.28(4,9,10), 7.30(4,6), 7.31(6)
    Applications **261**—7.11, 7.19–7.21, 7.25, 7.28(5,8), 7.34, 7.35
    Apprenticeships **261**—7.3, 7.4(4,8), 7.7, 7.18, 7.20, 7.21(3), 7.22, 7.26, 7.27
    Business networks/consortiums **261**—7.3, 7.4(5,7), 7.6, 7.8, 7.21(2), 7.22(5), 7.24, 7.25
    Contracts **261**—7.22, 7.23(2), 7.24(5), 7.25(10), 7.26(5), 7.30
    Costs **261**—7.9, 7.10, 7.21(1)*n*, 7.25(4,5,15), 7.27(2,3,12)
    Default **261**—7.23(3,4), 7.24(7,8), 7.25(11,12), 7.27(8,9), 7.28(11), 7.30–7.33

ECONOMIC DEVELOPMENT DEPARTMENT (cont'd)
Job training programs
Iowa jobs

Definitions **261**—7.3, 7.28(2)
Eligibility **261**—7.13–7.16, 7.28(3)
Funding **261**—7.4–7.10, 7.27(12), 7.28(4), 7.31(7), 7.33
Purpose **261**—7.2, 7.28(1)
Records/reports **261**—7.27(11), 7.28(10), 7.29(2), 7.34
Retention program **261**—7.28

School to career program **261**—ch 11
Targeted industries **261**—8.6
Workforce development fund **261**—ch 8
Workforce training/economic development fund **261**—chs 4, 9, 20.19, 165.1, 165.4; **350**—4.4(4)

LHAP, *see Funds: Housing above*
Life science enterprises **261**—7.21(4)*d*, ch 67
Loan programs **261**—1.3(4)*b*, 7.19, 7.24, 7.25, 7.30–7.34, 23.7, chs 25, 28, 31.2, ch 32, 50.2(3), chs 51, 53, 55, 57, 60, 61, 65, 69, 102, 105, 107–109, 211, 212, *see also Funds above; Small Business below*
Logos, Iowa products **261**—ch 164
Main street program **261**—21.2(3), ch 39
Marketing **261**—31.10, chs 32, 34, 50.2(1), chs 57, 72, 102, 105.4(3), chs 164, 165
Microenterprises **261**—ch 69
New business opportunities program, *see Community Economic Betterment Account (CEBA) Program above*
New capital investment program (NCIP) **261**—chs 64, 172–175, 187–189; **701**—42.19, 52.22, *see also High Quality Job Creation (HQJC) Program above*
New jobs/income program (NJIP) **261**—chs 58, 172–175, 187–189; **701**—42.2(10,11), 46.9(1), 52.7(4), *see also High Quality Job Creation (HQJC) Program above*
Organization **261**—ch 1
PIAP, *see Funds above*
Port authority program, *see Grants above*
Procurement **261**—ch 54; **541**—ch 10, *see also ADMINISTRATIVE SERVICES DEPARTMENT (DAS)*
Records, *generally*, public/fair information **261**—1.3(2)*e*, 7.34, ch 195
Regions, economic development **261**—chs 31, 32; **701**—42.28
Renewable fuels/coproducts **261**—ch 57, 165.4"4," chs 311–314
Reports
See also Job Training Programs: Iowa Jobs above
Annual/project **261**—46.6, 71.6(2), ch 189, 195.15(5)
Procurements **261**—54.14; **541**—10.3
Statistical **261**—195.15(3)

Rule making **261**—195.15(1), chs 196, 197, 199
School to career program, *see Funds above*
Self-employment loan program (SELP) **261**—50.2(3), ch 51, *see also Small Business: Targeted: Financial Assistance below*
Shelters, homeless **261**—21.2(2,4), chs 24, 29
Small business
See also SMALL BUSINESS
Assistive device tax credit **261**—ch 66
Community economic betterment account (CEBA) program **261**—53.6(3)*e*, 53.7, 53.8
Development centers **261**—31.2, 31.19, 165.4(6)*a*
Grants, targeted **261**—50.2(3), chs 55, 172–175, 187–189
Job training, *see Job Training Programs above*
Loan programs
See also Community Economic Betterment Account (CEBA) Program this subheading above
Loan and credit guarantee (LCG) program **261**—1.3(4)*b*, chs 69, 172–175, 187–189
Self-employment **261**—ch 51
Targeted, *see Targeted this subheading below*

Targeted
See also Job Training Programs above
Financial assistance **261**—50.2(3), chs 55, 69, 172–175, 187–189
Procurement **261**—ch 54; **541**—ch 10

Sports authority districts, *see Grants above*
Targeted industries, *see Funds above; Job Training Programs above*
Targeted jobs withholding tax credit program **261**—ch 71
Taxation credits/exemptions **261**—5.3, 20.1–20.9, 20.13–20.17, chs 32, 47, 58, 59, 63, 64, 66, 68, 71, 174, 175.2(4,6)
TIF, *see Funds: Housing above*
Tourism **261**—21.2(1), chs 35, 211, 212
University-based research utilization program **261**— ch 63
VAAPFAP, *see Agricultural Products/Processes, Value-Added above*
Vision Iowa program **261**—chs 212, 213
Welcome center program **261**—21.2(1), ch 34
Wineries/breweries, *see Grants above*

EDUCATION
See also COLLEGES AND UNIVERSITIES; REGENTS BOARD; SCHOOLS; TEACHERS
Abuse, child, *see CHILDREN: Abuse: Teachers/Administrators/School Employees; TEACHERS*
Accreditation, schools **281**—ch 12, 21.11, *see also Area Education Agencies (AEAs) below*
Activities, extracurricular, *see Extracurricular Activities below*
Administration
See also Principals below; Superintendents below
Community colleges **281**—21.2
Director, state **281**—41.51(5), 41.168(1), 41.1003(3,5), 41.1004, 41.1009(1)
Emergency preparedness advisory committee (PAC) **641**—114.4(1)*t*
Grants, women/minorities advancement/recruitment **281**—ch 94
Licensure/endorsement, administrators **281**—12.4(4,11), 83.9(3); **282**—12.1"7–9," 12.2"9,15,19," chs 18, 19, 20.9; **283**—37.1
Mentoring/induction program **281**—83.9
Records, staff **281**—12.4(11)
Standards
Boards, school **281**—12.3
Ethics **282**—ch 25
Preparation/performance, administrators **281**—79.1–79.12, 79.16, 79.17
Quality program, administrators **281**—83.8–83.12

Adult education **281**—21.3(1)*c*, 21.4(3), 21.4(6)*c*, ch 23; **441**—65.28(8)*b*
Advisory committees **281**—1.1(7); **282**—13.22(1), 20.13(6)
Advisory councils
Community colleges, *see COLLEGES AND UNIVERSITIES: Community Colleges: Councils*
Vocational **281**—ch 47
Youth services **281**—66.4(16)

Appeals, *see Hearings/Appeals below*
Area education agencies (AEAs)
See also Special Education: Agencies below
Accounting, uniform **281**—63.16
Accreditation **281**—ch 72
Administrator **281**—83.9, 83.12; **282**—11.37, 12.2"9," 18.10
Affirmative action/equal employment opportunity **281**—ch 95
Arbitration **621**—7.5
Budget **281**—72.10(1)

Building energy management programs **565**—ch 6
Bus routes **281**—43.1, 43.2
Conservation education **571**—ch 12
Definitions **281**—72.2
Depositories **781**—chs 3, 12–15
Director, special education, *see Special Education below*
Funds
Operational sharing arrangements **281**—97.7(14)
Professional development **281**—83.7"3"
Gifted/talented student placement **281**—59.6–59.8
Human relations programs **282**—13.22
Improvement plans **281**—72.9, 72.11(1)
Medicaid providers **441**—77.28, 77.43, 78.32, 79.1(2)p.3, 79.3(2)*d*(26)
Procurements, bid solicitation **261**—54.10
Records/reports **281**—5.14(1), 5.15(8,14,24,25), 17.11(6)*b*, 17.11(7)*f*, 63.20, 72.10, 72.11, *see also Special Education: Records/Reports below*
Retirement benefits **495**—11.3(2)*c*
Services
Access **281**—31.5(1)*f*, 31.5(4)*c*, 31.6(5)
Juvenile shelter/detention homes **281**—ch 63
License renewal programs **282**—20.13(8)
Media **281**—63.9, 72.4(6), *see also Media below*
Mental health institutes **281**—34.3(4), 34.8, 34.9, 34.14
Newborn hearing screening **641**—3.1, 3.9, 3.11
Personnel, licensure **441**—77.28, 77.43, 77.44
Special education, *see Special Education below*
Standards **281**—72.4, 72.9(1)*d*,*e*, 72.11(1,4)
Youth services **281**—66.6
Teachers
Beginning, mentoring/induction plan **281**—83.3, 83.6(2)*e*
Certification, national board **281**—84.2
Intern preparation program **281**—77.8
Professional development **281**—83.6
Quality committee **281**—83.7
Standards **281**—83.4
Telecommunications network, *see Telecommunications below*
Area schools, *see COLLEGES AND UNIVERSITIES: Community Colleges*
Athletics, *see Extracurricular Activities below*
At-risk children **281**—12.2, 12.5(13), chs 64, 65, 67, 97.3; **349**—1.10(3)*a*(7)
Blind **281**—5.14(11), *see also Special Education below; BRAILLE AND SIGHT-SAVING SCHOOL*
Boards
Educational examiners
Adjudicative proceedings, emergency **282**—11.32
Authority **282**—1.2(4)
Complaints **282**—11.2–11.6, 11.21(3), 11.37, 13.30(4)
Contested cases, *see Hearings/Appeals this subheading below*
Contracts **282**—25.3(5)
Declaratory orders **282**—ch 3, 5.15(6)
Definitions **282**—1.1, 11.2, 25.2
Educators
Ethics **282**—ch 25
Rights/responsibilities **282**—ch 26

EDUCATION (cont'd)
Boards
Educational examiners

Hearings/appeals **281**—33.8(1)*b*; **282**—5.14(3), ch 11, 20.12
Licensure, *see Licenses/Endorsements/Authorizations below*
Meetings **282**—1.2(5)
Members **282**—1.2(2), 1.2(5)*a*
Records, *generally* **282**—ch 5, 11.6(4), 11.37(3)
Rule making **282**—chs 2, 4, 5.15(1), ch 6

School, *see SCHOOLS*
State **281**—1.1, 5.15(2), 12.1(4,5), 17.3(2)*c*, 17.5(2), 24.6(4), ch 68, 102.2

Buses, school, *see BUSES*
Career education/technical **261**—chs 11, 20; **281**—5.14(12), 5.15(18), 12.5(7), 21.3(1), 21.3(4)*b*, 24.5(1)*a*,*c*, 24.5(2)*b*, chs 46–48, 66; **282**—12.2"5," ch 17, 24.4(4); **283**—ch 19; **701**—46.7, 46.8
Certifications/endorsements, *see Licenses/Endorsements/Authorizations below; Paraeducators below*
Child development coordinating council **281**—ch 64
Coaches **281**—36.15(6); **282**—12.1"15," 13.28(29), 22.1, *see also Extracurricular Activities below*
Community colleges, *see COLLEGES AND UNIVERSITIES*
Continuing, *see specific profession*
Counselors
Licensure **282**—12.1"7," 13.15, 13.28(26,27)
Services **281**—12.3(11), ch 66

Curricula/programs
See also specific programs
Community colleges **281**—21.4, 21.12, 24.1
Credit **281**—12.5(15), 47.2(6)
Definitions **281**—12.2
Elementary/secondary schools **281**—12.5, 12.6, 12.8, chs 15, 46, 48, 59, 60, 63–67
Extracurricular, *see Extracurricular Activities below*
Institutions, state **281**—ch 34
Juvenile homes **281**—ch 63
Kindergarten/prekindergarten **281**—12.1(11), 12.2, 12.5(1,2), 16.2
Postsecondary **281**—22.4. chs 47, 48, 97.2(5)
Preschool **281**—16.2, 16.3(6)
Private instruction **281**—31.2
Special education **281**—12.5(9), ch 41, *see also Special Education below*
Teacher education **281**—ch 79; **282**—13.22, 20.13; **681**—2.12, 2.37, *see also TEACHERS*
Telecommunications services **281**—ch 15, 97.6

Deaf, *see DEAF*
Definitions **281**—6.2, 11.2, 12.2, 12.4(7–9), 12.5(5)*i*, 12.5(14), 15.2, 16.2, 17.2, 22.1, 24.3, 33.2, 34.2, 36.1, 47.1, 48.2, 56.3, 59.2, 60.2, 63.2, 64.2, 65.2, 66.2, 67.2, 68.2, 72.2, 77.2, 79.2, 80.2, 83.2, 84.2, 95.2, 96.1, 97.1, 100.2, 102.2, 120.4; **282**—1.1, 5.1, 5.10(1), 6.1, 11.2, 25.2, *see also Special Education below*
Delinquents, *see Juveniles below*
Department
See also Special Education below
Addresses **281**—1.4(4,5)
Adjudicative proceedings, emergency **281**—6.22
Contested cases, *see Hearings/Appeals below*
Declaratory orders **281**—ch 3, 5.15(6)
Director, state **281**—1.3, 12.8(4)*c*(4), 17.2, 36.17, 41.51(5), 64.22–64.26; **349**—1.6
Hearings, *see Hearings/Appeals below*
Organization **281**—1.4(1)
Procurements **261**—ch 54; **541**—ch 10, *see also ADMINISTRATIVE SERVICES DEPARTMENT (DAS)*
Public broadcasting division **281**—1.4(1)*f*, *see also PUBLIC BROADCASTING DIVISION*

Records, g*enerally* **281**—4.11, ch 5, 6.16
Rule making **281**—chs 2, 4, 5.15(1), 5.16"3"

Disabled, *see DISABILITIES*
Discrimination **281**—12.1(1), 12.5(4,8), 66.4(14); **282**—13.22(2)*b*, 25.3(6)*e*, 26.3"7," *see also Minorities below*
Driver/safety education, *see MOTOR VEHICLES*
Dropouts **281**—5.15(17), 12.2, 12.8(3)*a*(4), 36.1, 36.15(2)*j*, *see also At-Risk Children above*
Early ACCESS, infants/toddlers services **281**—ch 120; **441**—79.3(2)*d*(34)
Early intervention program **281**—12.5(18), *see also Special Education: Services below*
Elementary, *see Curricula/Programs above*
Employees, state, financial assistance **11**—64.10
English, second language (ESL) program **281**—ch 60; **282**—13.28(20), 24.4(3); **441**—65.28(8)*b*
Enrollment
Decrease **281**—41.204(2)
Desegregation **281**—17.6(2), 17.14
Dual **281**—17.10(2), 31.5(2,3), 31.5(4)*b*, 31.5(5), 31.6, 36.15(5)*b*, 41.412(2)*b*; **751**—7.8
Homeless **281**—ch 33
Increases, on-time funding **289**—ch 7
Kindergarten **281**—17.7
Open **281**—16.15, ch 17, 31.7, 36.15(4), 41.412(6)
Postsecondary **281**—ch 22, 97.2(5)
Records **281**—5.15(10,15,20)
Reports
Infrastructure, sales tax **281**—96.2, 96.3
Supplementary weighting **281**—97.2(8)
Shared time **281**—22.5, 36.15(5), 97.2(7), 97.5
Supplementary weighting **281**—17.10(1–3), ch 97

Extracurricular activities
See also Coaches above; Special Education below
Agreements, cooperative **281**—36.15(5)*b,* 36.20
Awards **281**—36.14(3)
Board, executive **281**—36.4, 36.9, 36.15(3)*a*,*b*, 36.16, 36.17
Civil defense projects **281**—43.39
Conferences, athletic **281**—ch 37
Eligibility **281**—17.8(2), 31.6(3,4), 36.14–36.16, 36.18(5), 36.19, 36.20
Fees **281**—31.5(4)*b*; **701**—42.22(3*)*
Finances/records **281**—36.6–36.13, 43.9
Participation
Nonpublic enrollees **281**—31.6(3,4), 36.15(5)*b*,*c*
Nonschool teams **281**—36.15(7)
School teams **281**—36.18(6)
Standards, activities/intramural sports **281**—12.6
Summer camps/clinics **281**—36.15(6)
Taxation credits/deductions **701**—41.5(5)*c*
Transportation **281**—43.9–43.11

Foster care **441**—187.11(4), 187.13, *see also Special Education below*
Funds/grants **11**—64.10; **261**—chs 11, 20, 103, 108, 109; **281**—ch 7, 12.3(8), 12.5(18), 16.5, 31.5(3), ch 34, 43.22, ch 60, 63.17, 63.18, chs 64–67, 83.3, chs 94, 96, 97, 100, 120; **282**—25.3(4); **283**—chs 9, 19; **288**—ch 14; **289**—ch 7; **349**—1.9, 1.10; **427**—22.1(1)*b*(2); **441**—chs 10, 169; **571**—34.4"7"; **701**—ch 108; **781**—ch 16; **801**—6.12(6), ch 9, *see also Special Education below; Tuition below; COLLEGES AND UNIVERSITIES; GRANT*S
General education development (GED) **281**—5.15(23), ch 32; **441**—65.28(8)*b*, 151.22(1)*b*(13), *see also WORK AND TRAINING PROGRAMS: PROMISE JOBS: Training: Educational*

Gifted/talented, programs **281**—12.5(12), ch 59; **282**—13.28(24), 15.7(1)*b*(3), 15.7(3)*b*(4), 15.7(5)*b*(5), 15.7(6)*b*(3), *see also TEACHERS*
Global **281**—12.5(11)
Graduation **281**—12.1(7), 12.3(5)
Grants, *see Funds/Grants above; GRANTS*
Guidance services, *see Counselors above*
Handicapped, *see DISABILITIES*
Hearings/appeals **281**—4.9, 5.14(20,22), ch 6, 7.5, 16.10, 17.4(6), 17.8(9), 24.6(4)*f*, 36.17, 37.5, 37.6, 43.24, 64.22, 64.23, 65.18–65.20, 67.18, 67.19, 84.5, 96.8, 100.7; **282**—5.14(3), ch 11, 20.12, *see also Special Education: Appeals/Hearings below; REHABILITATION: Vocational*
High school equivalency (GED), *see General Education Development (GED) above*
Homeless **281**—ch 33
Home school, *see Instruction, Private below*
Human relations programs **282**—13.21, 13.22, *see also TEACHERS: Licenses*
Hunter safety, *see HUNTING*
Instruction, private **281**—17.10(2,3), ch 31, *see also Private/Nonpublic Schools below*
Juveniles
  See also Postsecondary Education below
  Community treatment, supervised **441**—151.32
  Institutions, state **281**—ch 34
  Shelter care/detention homes **281**—5.15(26), ch 63
Law enforcement training, *see LAW ENFORCEMENT ACADEMY*
Leaves of absence, state employees **11**—63.6, 63.10
Libraries/librarians **282**—13.28(21–23), 24.4(5), *see also Media below; LIBRARIES*
Licenses/endorsements/authorizations **281**—5.14(5); **282**—chs 7, 9, 10, 11.33–11.36, chs 12–23, *see also Administration above; Counselors above; Special Education: Endorsements/Statements of Professional Recognition (SPR) below; TEACHERS*
Loans, *see LOANS*
Local education agencies (LEAs) **441**—77.43, 78.50, 79.1(2) p.9, 79.3(2)*d*(26), *see also Special Education: Agencies below*
Media
  Centers/services **281**—12.3(11), 63.9, 72.4(6)
  Specialists, *see Libraries/Librarians above; Special Education below*
Medical, *see PHYSICIANS AND SURGEONS*
Mental health institutions **281**—ch 34
Merged areas, *see COLLEGES AND UNIVERSITIES: Community Colleges*
Minorities **281**—5.15(15), 17.2, 17.3(3), 17.6(2), 17.14, 41.173, chs 94, 95, *see also Discrimination above*
Organizations, *see Extracurricular Activities above*
PAL program, *see Postsecondary Education below*
Paraeducators **281**—16.2, ch 80; **282**—12.1"13," 12.2"10," 22.2(2), ch 24, *see also Special Education: Paraprofessionals/Paraeducators below*
Physical education **281**—12.5(4)*f*, 12.5(5)*f*, 12.5(6); **282**—13.28(14)
Postsecondary education
  See also COLLEGES AND UNIVERSITIES
  Foster care
    All-Iowa Opportunity Grant program **283**—ch 9
    PAL program **441**—187.11(4), 187.13
  High school students **281**—ch 22, 34.15, chs 47, 48, 97.2(5)
  School
    Approval **283**—ch 21
    Registration, fees **721**—ch 31

Preschools, *see Curricula/Programs above; Special Education: Placements below; SCHOOLS*

Principals **281**—12.4(5–7); **282**—18.9, *see also Administration above*

Private/nonpublic schools **281**—1.1(7)*a*, 5.15(29,30), ch 12, 17.10(3), ch 31, 36.15(5)*b*,*c*, 36.20(2), ch 48, 60.5, 102.2, 102.5, ch 103; **282**—11.37; **701**—41.5(5)*f*, *see also Special Education: Schools below*

Psychologists **281**—41.34(3)*b*,*j*, 41.308(2), 41.402(3), 41.403(2); **282**—15.7(1,2), 18.11(3)*b*

Public broadcasting, *see PUBLIC BROADCASTING DIVISION*

Secondary, *see Curricula/Programs above*

Special education

Advisory panel **281**—41.169

AEAs, *see Agencies this subheading below*

Agencies

Generally **281**—41.1, 41.2, 41.33, ch 41 Div. III, 41.207, 41.212, ch 41 Div. V, 41.901–41.903, 41.907, 41.1002, 41.1003

Area education agencies (AEAs) **281**—41.2, 41.4, 41.39(3)*a*, 41.102(1)*e*, 41.122, 41.131, 41.132(3), 41.133–41.136, 41.137(2,3), 41.139(2)*a*, 41.141–41.143, 41.148(1), 41.155, 41.176, 41.178, ch 41 Div. IV, 41.300(5), 41.305(6), 41.306(4), 41.312, ch 41 Div. VI, 41.502(1)*a*, 41.502(2), 41.504(5), 41.519(8), 41.530(5,6), 41.603–41.606, 41.608, 41.610, 41.622(4), 41.705, 41.815–41.817, 41.906, 41.907, 41.1002, 41.1003, ch 63

Definitions **281**—41.4, 41.12, 41.28, 41.33, 41.41

Educational service agencies (ESAs) **281**—41.12, 41.28(2), 41.33

Eligibility, *see Eligibility this subheading below*

Local education agencies (LEAs) **281**—41.28, 41.33, 41.50, 41.101(3), 41.124(3), 41.148(1), 41.176, 41.178, ch 41 Div. IV, 41.300(5), 41.305(6), ch 41 Div. VI, 41.504(5), 41.519(4,8), 41.530(5–8), 41.532(3), 41.533, 41.600(4), 41.603–41.606, 41.608, 41.610, 41.622(4), 41.646, 41.704, 41.806, 41.907, 41.1002, 41.1003, *see also Local Education Agencies (LEAs) above*

Nonpublic **281**—41.33, 41.176(2)

State educational agencies (SEAs) **281**—41.2(1)*a*, 41.33, 41.41, 41.131(3), 41.134, 41.140(3), 41.149, 41.154, 41.156, 41.203(2), 41.204(3), 41.205(3), 41.208(1)*b*, 41.220, 41.230, 41.325(3), 41.500, 41.506(2)*c*, 41.511(2,3), 41.519(4,9), 41.533, 41.603(4), 41.640, 41.641(3,4), 41.642(2), 41.643–41.645

Appeals/hearings **281**—5.14(20), 41.116, 41.152(3), 41.155, 41.221, 41.502(2), 41.504(3)*j*, 41.507(3), 41.508(3), 41.511–41.518, 41.532, 41.603(5), 41.605(2), 41.618(3), 41.619, 41.621, ch 41 Div. XII

Blind/visually impaired **281**—41.2(1)*c*, 41.29(2), 41.34(3)*d*(2), 41.34(3)*g*, 41.50(3,7,13), 41.172, 41.210, 41.403(2), 41.641(4); **282**—14.2(9), 15.7(6)

Complaints **281**—5.14(10), 41.18(6), 41.136, 41.140, 41.151–41.153, 41.504–41.511, 41.1003, *see also Appeals/Hearings this subheading above*

Compliance **281**—41.108(4), 41.136, 41.147, 41.222, 41.407(3), 41.600(3)

Consultants **281**—41.134, 41.135, 41.305(6), 41.402(3), 41.409, 41.907(7); **282**—15.1(1)*a*, 15.2

Contractual agreements **281**—41.116(6), 41.138(3), 41.154(1–3), 41.210(3)*a*, 41.408–41.411, 41.537, 41.806, 41.903, 41.907(2), 41.1003(2)

Costs **281**—41.16, 41.17, 41.104, 41.131(4), 41.139(2)*b*, 41.148(4,5), 41.149, 41.305(6), 41.506(2)*d*, 41.907, 63.18(5), *see also Funds this subheading below*

Crime, agency reports **281**—41.535

Definitions **281**—ch 41 Div. II, 41.106(2), 41.130, 41.172(1)*b*, 41.210(4), 41.402(3), 41.403(2), 41.405(1), 41.507(3), 41.530(9), 41.611, 41.803, 41.1001

Department, state, responsibilities **281**—41.102(1)*e*, 41.102(2), 41.116(5,6), 41.118–41.120, 41.136(2)*c*, 41.146, 41.147, 41.149, 41.155, 41.170, 41.172(3), 41.173, 41.176(2), 41.200, 41.230, 41.306(4), 41.320, 41.407(3), 41.509, 41.519(8,9), 41.520(2), 41.532(3)*b*, 41.537, 41.600–41.605, 41.608–41.610, 41.612, 41.813–41.817, 41.902, 41.1002, 41.1003, *see also subheadings Appeals/Hearings above; Complaints above*

Directors

Agencies **281**—41.51(4), 41.102(1)*e*, 41.116(5), 41.306(4), 41.402(1,3), 41.408(2)*c*,*g*, 41.907(6,9), 41.1004(5); **282**—18.11

State **281**—41.51(5), 41.168, 41.1003(3,5), 41.1004(1,5), 41.1009(1)

Disabilities **281**—5.14(7), 41.8, 41.34(3)*c*, 41.50, 41.51(10,11,13), 41.307, 41.641, *see also subheadings Blind/Visually Impaired above; Endorsements/Statements of Professional Recognition(SPR):Teaching below*
Discipline **281**—41.530, 41.534, 41.536
Early childhood (ECSE) **281**—41.51(6), 41.646(2), 41.907(8); **282**—14.2(1)
Educational services agencies, *see Agencies this subheading above*
Eligibility
Agencies **281**—41.155, 41.200, 41.202(2)*c*, 41.203, 41.212, 41.221, 41.223, 41.224, 41.228
Child **281**—41.101, 41.102, 41.305–41.311, 41.324(4), *see also Evaluations this subheading below*
State **281**—41.100
Endorsements/statements of professional recognition (SPR)
Principals/supervisors **282**—15.5, 18.9(1), 18.11(2)
Support personnel **282**—chs 15, 16, 18.11(3)*b*
Teaching **282**—ch 14
Enrollment
Decrease **281**—41.204(2)
Dual **281**—41.412(2)*b*
Open **281**—17.3(2), 17.10(7), 17.11, 41.412(6)
Evaluations **281**—41.15, 41.122, 41.169"3," 41.187, 41.226(2)*b*, 41.300–41.305, 41.312, 41.313, 41.323(6), 41.324(1)*e*, 41.407(1,2), 41.502, 41.503, 41.504(3)*a*, 41.534, 41.601, 41.901, 41.1002, 63.7(1), *see also Eligibility this subheading above*
Expenditures **281**—41.133
Extracurricular activities **281**—36.15(3)*a*(7), 41.42, 41.107, 41.117
Facilities/equipment/materials **281**—41.14, 41.34(3)*p*(3), 41.138(4), 41.144, 41.178, 41.204(4), 41.405(2)*f*, 41.412, 41.413, *see also Services: Technology, Assistive this subheading below*
Foster care
At-risk programs **281**—64.8(1)"5," 65.5"5"
School districts, residency **281**—41.51(12)*c*, 41.907(5)
Free appropriate public education (FAPE) **281**—41.17, 41.101–41.103, 41.105(2), 41.106, 41.108, 41.146(1), 41.148, 41.149, 41.226(3)
Funds **281**—41.2, 41.16, 41.26, 41.28(3), 41.114(3), 41.133, 41.134(2,4), 41.141–41.144, 41.154(6,7), 41.162, 41.166, ch 41 Div. IV, 41.400, 41.605, 41.646(2)*b*, ch 41 Div. IX, X, 41.904, 41.906, 41.907(4–9), *see also Costs this subheading above*
Handicapped, *see Disabilities this subheading above*
Hearings, *see Appeals/Hearings this subheading above*
Homeless **281**—33.11(1)*b*, 41.19, 41.111, 41.153(2)*d*(3), 41.508(2)*d*, 41.519(6)
Indians **281**—41.21, 41.28(3)
Information, agency submittal **281**—41.211, 41.212
Instruction, private **281**—31.5(3)*a*, 31.10, *see also Schools this subheading below*
Insurance **281**—41.39(3)*a*, 41.154(4–8), 41.305(6)
Itinerant services, *see Services this subheading below*
Juvenile shelter care/detention homes, *see Programs/Plans below*
LEAs, *see Agencies this subheading above*
LRE (least restrictive environment) **281**—41.114
Media specialists **281**—41.402(3); **282**—15.1(1)*c*, 15.4
Medicaid **281**—41.154(1)*a*, 41.154(2)*a*(2), 41.154(4)*a*, 41.154(7,8)
Medications **281**—41.404(1)*f*, 41.404(2)*d*, 41.404(3)
Meetings **281**—41.324(1)*e*, 41.325(2)*b*, 41.326(2), 41.328, 41.501(2), 41.506(2)*d*, 41.901
Migrants **281**—41.111(3)*b*, 41.213
Paraprofessionals/paraeducators **281**—41.156(2), 41.403; **282**—22.2, 24.4
Parent involvement **281**—41.9, 41.30, 41.34(3)*h*, 41.174, 41.300, 41.321(1)*a*, 41.322, 41.324(5)*b*, 41.327, 41.328, 41.501, 41.507(2), 41.519, 41.520, 41.612, 41.1012(1), *see also Records/Reports this subheading below*

Personnel **281**—41.142, 41.156, 41.177(2), 41.204(1), 41.207, 41.208(2), 41.400(2), 41.401, 41.402, 41.502, 41.530, *see also subheadings Endorsements/Statements of Professional Recognition (SPR) this subheading above; Teachers below*

Placements

See also Enrollment this subheading above

Generally **281**—41.114, 41.116, 41.646

Alternative **281**—41.115, 41.116(3)

Monitoring **281**—41.120

Nonpublic schools, *see Schools below*

Notice **281**—41.503

Out-of-state **281**—41.116(5,6), 41.131(6), 41.404(2)*g*, 41.907(7)

Parental **281**—41.134, 41.138, 41.139, 41.148

Preappeal conferences/hearings **281**—41.533, 41.1002

Preschool **281**—41.116, 41.124, 41.148(3)

Removals **281**—41.114(2)*b*, 41.530, 41.536

Residential **281**—41.104

Programs/plans

Generally **281**—12.5(9), 41.110, 41.400

Funds, *see Funds this subheading above*

Individualized education program (IEP) **281**—34.6, 34.10, 41.22, 41.23, 41.101(2), 41.103(3), 41.112, 41.116(4,7), 41.124(2), 41.137(3), 41.138(2), 41.320–41.326

Individualized family service plan (IFSP) **281**—41.24, 41.112, 41.326(1)

Institutions, state **281**—34.5

Juvenile shelter care/detention homes **281**—63.7, 63.16(2)*b*, 63.18(5)

Models/projects **281**—41.904

Services **281**—41.37

State plan **281**—41.100, 41.165(2), 41.601–41.603

Records/reports

Access, parent **281**—41.501(1), 41.504(3)*d*, 41.512(3)*c*, 41.613–41.618, 41.620, 41.625, 41.1002(1)*e*

Amendment **281**—41.618–41.620

Annual **281**—41.226(4), 41.601(2), 41.602, 41.640–41.645

Audit **281**—41.901, 41.902, 63.20

Complaints **281**—41.1003(3)

Confidential/personally identifiable **281**—41.123, 41.306(4), 41.610, 41.611(1), 41.612, 41.622–41.624, 41.642

Crime, child involvement **281**—41.535(2)

Department **281**—5.14(6–11,20)

Disciplinary **281**—41.229, 41.535(2), 41.646(1)*c*

Disposal **281**—41.624

Health services **281**—41.405(2)*a*(7), 41.405(2)*b*(3,4), 41.405(2)*e*

Hearings **281**—41.512(3)*c*, 41.516(3), 41.1005(5), 41.1007(1), 41.1008(1), 41.1010(2), 41.1011(2), 41.1012

Medication **281**—41.404(1)*f*, 41.404(2)*d*, 41.404(3)*d*,*g*

Meetings, parents' absence **281**—41.322(4)

Migratory children **281**—41.213

Monitoring, compliance **281**—41.147, 41.407(3), 41.600(3)

Policies/procedures, revision **281**—41.646(2)*c*

Private school placements **281**—41.132(3), 41.137(3)

Transitions **281**—41.323(7), 41.622

Research **281**—41.35, 41.187, 41.307, 41.904
Residency **281**—41.51(12), 41.907
Rights
Children **281**—41.625
Parents **281**—41.612(1), 41.907(6), 41.1012(1)
Sanctions **281**—41.626
Schools
BIA-funded (Bureau of Indian Affairs) **281**—41.28(3)
Boards **281**—12.5(9)
Charter **281**—41.2(1)*b*, 41.28(2), 41.33, 41.36, 41.209
Day, length **281**—41.11
Districts **281**—41.51(12), *see also Agencies: Local Education Agencies (LEAs) this subheading above*
Nonpublic/private **281**—41.2(2), 41.18(8), 41.111(1), 41.129–41.148, 41.300(4)*d*, 41.413, 41.622(4), 41.644
Preschools
Grants **281**—ch 41 Div. X
Placements, *see Placements this subheading above*
Special **281**—41.116(4)*b*, 41.176
Transfers, student **281**—41.229
SEAs, *see Agencies this subheading above*
Services
Continuum **281**—41.115
Early intervention **281**—41.25, 41.124(1), 41.205(4), 41.208(1)*b*, 41.226, 41.646(2)*b*
ECSE, *see Early Childhood (ECSE) this subheading above*
ESAs, *see Agencies this subheading above*
Extended year **281**—41.106, 41.906
Extracurricular/nonacademic **281**—41.42, 41.107, 41.115(2), 41.117
Health **281**—41.34, 41.107(2), 41.404(1)*g*, 41.404(2)*e*, 41.405
Home/hospital **281**—41.39(1), 41.115(2), 41.410(2)
IEP, *see Programs/Plans this subheading above*
Itinerant **281**—41.115(2)*b*, 41.402(3), 41.410, 41.907(7); **282**—15.1(1)*b*, 15.3
Legal **281**—41.507(2), 41.1003(4)
Orientation/mobility **281**—41.34(1), 41.34(3)*g*; **282**—15.1(2)*e*, 15.7(6)
Physical education **281**—41.39(3)*b*, 41.108
Related **281**—41.34, 41.39(2), 41.43
Supplementary **281**—41.42, 41.107, 41.115(2), *see also Extracurricular/Nonacademic this subheading above*
Support **281**—34.3(4), 34.8, 41.39(2), 41.326(2), 41.409, 41.412(1,2), 41.903(1), 41.906, *see also Personnel this subheading above*
Technology, assistive **281**—41.5, 41.6, 41.44, 41.105, 41.172(3), 41.178, 41.604
Surrogate parents **281**—41.407(1)*a*, 41.407(2)*a*, 41.519
Suspensions/expulsions **281**—41.170, 41.229(2), 41.536(3), 41.646(1)*c*
Teachers **281**—41.18, 41.119, 41.156(3), 41.408, *see also Endorsements/Statements of Professional Recognition (SPR) this subheading above*
Transitions **281**—41.43, 41.124, 41.320(2), 41.321(2), 41.323(7), 41.324(3), 41.324(4)*a*(2)
Transportation **281**—11.3, 17.9, 17.10(4), 17.11, 41.34(1), 41.34(3)*p*, 41.139, 41.412, 41.907(8)
Tuition expense, juvenile homes **281**—63.16(2)*b*
Vocational education **281**—41.39(2)*c*, 41.39(3)*e*, 41.43, 41.110

Staff, school districts, *see Principals above; Psychologists above; Special Education: Personnel above; Superintendents below; SCHOOLS: Personnel; TEACHERS*
Statements of Professional Recognition (SPR) **282**—12.1, 12.3, 12.5, 12.6, 15.7(3–5), 15.8(3)*c*, ch 16, 20.10
Substance abuse, *see SUBSTANCE ABUSE*
Superintendents **281**—12.1(6), 12.4(4,11); **282**—11.37, 18.10
Teachers, *see Special Education: Endorsements/Statements of Professional Recognition (SPR) above; TEACHERS*

Telecommunications **281**—ch 15, 97.6; **288**—ch 14; **751**—7.4(1), 7.5–7.8, 8.2, ch 9, 12.4, 15.4, 15.5, *see also TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION*
Trusts, savings plan **701**—40.53, 53.21, 59.22; **781**—ch 16
Tuition **261**—11.3(8,11), 103.6; **281**—22.6, 33.8(1), 63.16(2); **441**—10.7(1), 65.30(8); **681**—1.4(2), 9.6; **701**—41.5(5), 42.22; **781**—ch 16, *see also COLLEGES AND UNIVERSITIES subheadings Grants; Scholarship Programs*
Veterans, training **281**—chs 51, 52
Vocational
See also Special Education above
Generally **281**—ch 46
Area schools, *see COLLEGES AND UNIVERSITIES: Community Colleges*
Rehabilitation **281**—1.4(1)*g*, 41.34(3)*l*, ch 56, *see also REHABILITATION*
Standards **281**—12.5(5)*i,j*, 21.4(2,6), 46.1, 46.6, 46.7
War orphans assistance **801**—6.12(6), ch 9
Work and training programs, *see WORK AND TRAINING PROGRAMS*
Youth services programs **281**—ch 66, *see also WORK AND TRAINING PROGRAMS*

EDUCATIONAL EXAMINERS BOARD
See EDUCATION: Boards

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD
See PUBLIC BROADCASTING DIVISION

EGG COUNCIL, IOWA
Address **301**—2.2
Assessments **301**—3.1(1), ch 4
Declaratory orders **301**—2.4
Election, members **301**—ch 3
Establishment, *see EGGS: Producers: Referendum*
Informal settlements **301**—2.3
Information, public **301**—2.2
Meetings **301**—1.2(1–3), 1.4, 1.5
Officers **301**—1.2
Promotion **301**—1.1
Records, *generally*, public/fair information **301**—ch 5
Rule making **301**—2.5
Staff **301**—1.3

EGGS
Assessments **301**—ch 4, *see also Producers below*
Check-off tax, *see Assessments above*
Council, *see EGG COUNCIL, IOWA*
Excise tax, *see Assessments above*
Food preparation **481**—31.12(2)*d*, 36.7
Game birds **571**—112.11
Grading **481**—36.13
Handlers **481**—ch 8, 30.2, 30.4(9), 30.8(5), ch 36
Hatching **21**—60.1(2), 60.2, 60.3, 65.11; **571**—112.11
Producers, referendum **21**—ch 20
Sales, farmers markets **481**—30.2
Sanitation **481**—36.3, 36.12
Transportation **21**—64.191(2)*e*(5); **481**—36.6(2); **761**—400.47
Washwater storage structures **567**—65.1, 65.7(1)*b*(5–7), 65.9(1)*f,g*, 65.15(6,16), 65.16(1)*a*, 65.18

ELDER AFFAIRS DEPARTMENT

See also ELDERLY
Abuse **321**—1.5, 2.5(4), ch 12, *see also Area Agencies on Aging (AAAs) below*
Address **321**—2.3(2), 2.9(3)*a*(1), 6.5, 11.5, 16.5, 17.1, 17.3, 18.3
Administration
Generally **321**—ch 2, 5.9(1)*a*
Administration on aging authority (AOA) **321**—1.4, 1.5, 2.9(4), 4.2(2), 4.2(3)*c*, 4.3(2), 4.12(1)*a*, 4.12(2)*c*, 8.5(3)*e*
Advocate/ombudsman program **321**—1.5, 2.5(3), 6.12(1)*d*, 7.10(1)*c*, chs 8, 9, 19.11(3), 19.13(2)*d*, 19.14; **481**—62.9(4)*b*, 62.14(4)*b*(3), 65.9(4), 65.16(6)*c*,*d*, *see also Resident Advocate Committees below*
Affirmative action **321**—2.8, 19.14(2), *see also Area Agencies on Aging (AAAs) below*
Appeals **321**—2.9, 6.2(9), 10.5(5)*f*, 11.16, 13.6(4), 13.25, 13.26(2), 13.27, 19.13(6), 21.4(7), 22.15, 25.23(6), 26.5, 29.6(4); **481**—1.6"6," *see also Hearings below*
Area agencies on aging (AAAs)
Abuse **321**—6.6(2)*f*, 6.10(17,18), 6.12(1)*h*, ch 15
Address **321**—6.5
Advisory council **321**—6.2(7)*b*(1), 6.8, 19.15(3)
Affirmative action **321**—6.2(10)*a*, 6.3(4)
Board of directors **321**—6.2(10)*e*, 6.7
Complaints **321**—6.10(5)
Compliance **321**—6.10(5,12), 6.13, 6.16(5), 14.9(4)*a*
Confidentiality **321**—6.4, 6.10(6), 7.10(2), 19.11(3), 21.15
Contracts, *see Services this subheading below*
Definitions **321**—1.4, 1.5, 6.1, 7.1, 15.3, 28.3
Designation **321**—4.3(8), 4.4, 4.8–4.12, 5.16
Director **321**—6.3, 6.15(2), 7.18(2)
Discrimination **321**—6.3(3)
Duties **321**—6.6
Employees **321**—6.3; **495**—5.2(36)
Facilities, acquisition/construction **321**—7.5, 7.6
Grants, *see Funds/Grants below*
Hearings/appeals **321**—4.3(8), 4.11(2), 6.2(7), 6.10(5), 6.12(2), 6.14(2)
Manual, procedures **321**—6.4(2), 6.10
Meals, home-delivery, *see Services: Nutrition this subheading below*
Multipurpose/single entities **321**—4.6, 4.7(2), 5.16
Plans, area **321**—2.5(2), 4.2, 4.6, 4.7, 5.9(1)*b*, 5.10, 6.2, 6.12(4), 28.4(3)
Procurements **321**—5.15(4), 5.17
Profile **321**—6.2(10)
Reports **321**—4.10"8," 5.14(3), 6.6(2)*b*, 6.10(7), 6.16(3), 7.13(4,7), 7.16, 7.24, 14.10, 28.5(1), 28.10
Services
Generally **321**—5.6(1), 6.2(3,4), ch 7
Contracts **321**—5.15, 6.9(2)*c*, 6.10(7), 6.11, 6.16, 6.17(4), 7.2, 7.15, 14.6, 14.9(4), 15.6(4), 15.7, 21.16, 28.3, 28.9, 28.10(1)
Contributions **321**—6.16
Direct **321**—6.12, 6.16, 7.2, 28.3
Disasters **321**—6.9, 6.10(8)
EAI (elder abuse initiative) **321**—ch 15, *see also Abuse this subheading above*
Eligibility **321**—7.3, 10.3, 15.5, 21.5
Entrepreneurial activities **321**—6.17
Family caregiver program **321**—ch 14
Fees **321**—7.8(1), 7.20(5)
Focal points **321**—7.4

ELDER AFFAIRS DEPARTMENT (cont'd)
Area agencies on aging (AAAs)
Services

Frail elderly **321**—1.5, 2.5(3), 5.6(1), 5.9(1)*c*, 7.12(4), ch 21
Home- and community-based senior living program **321**—ch 28
Information/assistance **321**—6.6(2), 6.10(1), 7.9, 7.11
In-home **321**—5.3(3)*b*, 6.14(1)*b*
Legal **321**—5.3(3)*c*, 6.6(2)*a*, 6.14(1)*c*, 7.1, 7.10
Long-term care, *see Home- and Community-Based Senior Living Program this subheading above*
Nutrition
Commodities **321**—7.13
Congregate meals **321**—5.2(2), 7.1, 7.12, 7.14, 7.19, 7.20, 7.23
Dietitians **321**—1.5, 7.12(1)*c*, 7.12(6), 7.15(1), 7.17, 7.18
Education **321**—7.12(1)
Eligibility **321**—7.12(4), 7.20, 7.21(1,2)
Evaluations **321**—7.24
Food assistance program **321**—6.6(2)*e*, 7.12(5)
Funds **321**—5.2(2,3), 5.9(1)*c*, 7.12(4)
Home-delivered meals **321**—5.2(2), 6.10(11,14–16), 7.11, 7.12(4), 7.14, 7.21
Incentive program (NSIP) **321**—7.1
Menus **321**—7.1, 7.17, 7.18
Need, assessment **321**—7.12
Reports, food-borne illness **321**—7.16
Sites, licensing **321**—7.12(3); **481**—30.3(4)
Standards **321**—7.12(7), 7.13(3), 7.14, 7.15, 7.24

Outreach **321**—6.12(1)*b*, 7.3, 7.12(1)
Priority **321**—6.1, 6.10(9), 6.14, 6.15, 28.9(2)*a*
Records/reports **321**—7.24, 14.9(4)*c*, 14.10
Senior centers, multipurpose **321**—6.2(10)*c*, 6.10(3), 7.1, 7.4
Technical assistance **321**—4.13, 6.10(3)
Waivers **321**—4.6(2), 4.7, 6.15

Assisted living **321**—chs 25, 26, 27.2, *see also ASSISTED LIVING*
Care review committees, *see Resident Advocate Committees below*
Commission
Agency designation, *see Area Agencies on Aging (AAAs) above*
Appeals, *see Appeals above*
Approvals **321**—6.12(3), 7.5(1)*b*
Establishment **321**—ch 3
Meetings **321**—3.3
Planning/service areas **321**—4.3
Records **321**—19.15(3)
Waivers **321**—6.15

Complaints/grievances **321**—2.9, 9.11, 9.12, 10.5(5), 19.14, 26.2, 26.8, *see also Advocate/Ombudsman Program above; Area Agencies on Aging (AAAs) above; HEALTH CARE FACILITIES: Complaints*
Contractors/contracts
See also Area Agencies on Aging (AAAs): Services above
Generally **321**—5.15, 5.17, 5.19
Substitute decision maker office **321**—22.11(6)

Day services, adult **321**—chs 24, 26, 27.1, ch 28, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Decision maker, substitute (SDM) **321**—ch 22
Declaratory orders **321**—ch 18, 19.14
Definitions **321**—1.4, 1.5, 2.2, 3.1, 4.1, 5.1, 6.1, 7.1, 8.1, 10.2, 11.1, 12.3, 14.1, 15.3, 16.1, 19.1, 19.10(1), 21.3, 24.1, 25.1, 28.3, 29.1
Director **321**—1.2"6," 1.5, 2.4, 2.5(1), 2.6(3), 2.8, 4.3(5)*a*, 4.9(4), 8.1, 9.5(2,3), 9.6(2), 10.6(5), 11.1, 11.5, 16.2(2)

Discrimination **321**—2.7, 10.5(5)*e*, 26.8, *see also Area Agencies on Aging (AAAs) above*
Divisions **321**—2.5
Elder abuse initiative (EAI) **321**—ch 15
Elderly waiver services, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Employees, *see Staff below*
Employment program, *see Senior Internship Program (SIP) below*
Federal regulations **321**—1.2
Funds/grants
Generally **321**—1.5, 2.5, ch 5
Abuse **321**—12.3(2), 15.4
Audits **321**—5.14
Construction, facilities **321**—5.18(1), 7.5
Contributions **321**—5.1, 5.9(2), 6.16, 28.6
Disease prevention/health promotion **321**—7.11
Elder abuse initiative (EAI) **321**—15.4
Formula **321**—5.5
Matching **321**—5.9
Nutrition, *see Area Agencies on Aging (AAAs): Services above*
Reallotment **321**—5.11, 28.7
Recapture **321**—5.18
Records/reports **321**—5.13, 5.19, 10.5(4)*j*, 19.14, 19.15(7)
Senior internship program (SIP) **321**—10.4, 10.5(4), 10.6
Senior living program/trust fund (SLTF) **321**—5.6(2), 15.4, ch 28; **441**—chs 161, 162
Group homes **321**—chs 26, 29
Hearings **321**—2.9(3,4), 4.2(3)*a*, 4.3(5), 4.9(4,5), 4.11(2)*a*, 9.13(5), 11.5(2), 11.9, ch 13; **481**—1.6"6," *see also Appeals above; Area Agencies on Aging (AAAs) above; INSPECTIONS AND APPEALS DEPARTMENT*
Investigations **321**—19.12(1)*c*, 26.2; **481**—1.4"5," *see also Complaints/Grievances above*
Legal services **321**—1.5, 2.5(4), 8.5(2)*b*, *see also Area Agencies on Aging (AAAs) above*
Long-term care **321**—1.5, 2.5(4), chs 8, 16, 28; **441**—chs 161, 162, *see also Advocate/Ombudsman Program above; Assisted Living above; HEALTH CARE FACILITIES*
Ombudsman program, *see Advocate/Ombudsman Program above*
Organization **321**—ch 2
Planning/service areas (PSAs) **321**—1.5, 2.9(4), 4.3, 5.6(1)
Plan, state **321**—2.5(2), 4.2, 4.3
Procurements **261**—ch 54; **321**—5.15, 5.17; **541**—ch 10, *see also ADMINISTRATIVE SERVICES DEPARTMENT (DAS)*
Records
Generally, public/fair information **321**—ch 19
Grants, *see Funds/Grants above*
Procurements **321**—5.15(4), 5.17
Programs, *generally* **321**—5.13, 10.5(4)*j*, 22.11
Reports **321**—4.9(6), 4.11(1)*e*, 5.13, 8.5(3)*e*, 9.14, 10.5(4)*f–h*, 11.12, 15.7, 28.5(1), *see also Area Agencies on Aging (AAAs) above*
Resident advocate committees **321**—8.1, 8.2(2), ch 9, 29.12, see *also Advocate/Ombudsman Program above; HEALTH CARE FACILITIES*
Respite care **321**—14.2, 14.6(4), ch 28
Rule making **321**—chs 11, 17, 19.14, 19.15(2)
Senior internship program (SIP) **321**—ch 10
Senior living coordinating unit (SLCU) **321**—1.4, 1.5, ch 16, *see also Long-Term Care above*
Senior living program/trust fund, *see Funds/Grants above*
Shelter/support services, *see Elder Abuse Initiative (EAI) above*
Staff **321**—2.6, 19.14(2)
Waivers **321**—ch 11, *see also Area Agencies on Aging (AAAs) above*

ELDERLY

See also ASSISTED LIVING; DISABILITIES; ELDER AFFAIRS DEPARTMENT; HEALTH CARE FACILITIES

Abuse **441**—ch 176, *see also ELDER AFFAIRS DEPARTMENT; HEALTH CARE FACILITIES*

Bingo **481**—103.3(3)

Caregivers, family. support program **321**—ch 14

Day care/service, *see DAY CARE/SERVICE: Adult*

Dementia/cognitive disorders defined **321**—1.5

Disabilities defined **321**—1.5

Discrimination **161**—8.15, 8.17, 8.18; **321**—2.7, 10.5(5)*e*, 26.8, *see also DISCRIMINATION: Age*

Education **321**—6.6(2)*d*

Elderly waiver services, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Employment **321**—ch 10; **871**—ch 13

Farmers' market nutrition program, senior (SFMNP) **21**—ch 50

Finances, confidentiality **321**—7.10(2); **481**—57.40, 58.44, 62.18(2), 63.38

Food assistance program **321**—6.6(2)*e*, 7.12(5)

Frail, case management **321**—ch 21

Grants/funds **265**—chs 20, 21; **427**—chs 5, 10, 11, 22, 23; **441**—chs 161, 162; **641**—ch 80; **761**—ch 922; **817**—ch 7; **871**—ch 13, *see also ELDER AFFAIRS DEPARTMENT: Funds/Grants*

Hearing loss, occupational **876**—8.5, 8.10

Home services **191**—72.7(1)*d*; **265**—ch 21; **321**—1.5, 6.14(1)*b*, ch 28; **441**—83.26; **641**—ch 80, *see also Meals, Home-Delivered/Congregate below; Nursing Care below; HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Housing
- Group **321**—chs 26, 29; **441**—ch 162; **481**—31.1(9); **661**—5.5(2), 5.625
- Loans, senior living revolving program **265**—ch 20
- Low-rent, tax exemption **701**—80.4
- Shelter **321**—ch 15

Hunting/fishing license **571**—15.7, 106.1(8)

Insurance
- *See also Medical Assistance Eligibility below*
- Long-term care **191**—chs 39, 72; **441**—75.5(5), *see also ELDER AFFAIRS DEPARTMENT*
- Medicare supplement **191**—15.5, ch 37

Legal assistance **321**—1.5, 6.14(1)*c*, 7.10

Meals, home-delivered/congregate **265**—ch 21; **441**—77.33(8), 77.34(6), 78.37(8), 79.1(2)p.5, 83.26, *see also ELDER AFFAIRS DEPARTMENT: Area Agencies on Aging (AAAs): Services*

Medical assistance eligibility **321**—6.6(2)*e*, *see also Meals, Home-Delivered/Congregate above; Mental Health below; HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Medical care, decision-making boards **641**—ch 85

Mental health **321**—6.6(2)*c*; **441**—85.4, 85.41–85.45

Nursing care
- *See also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
- Day care, *see DAY CARE/SERVICE: Adult*
- In-home **441**—50.2(3), 52.1(5), 83.21–83.30, ch 177; **701**—40.43
- Public health **641**—ch 80
- Waiver services, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Property tax reimbursement **701**—ch 73

Recreation, trail restrictions **571**—66.4

Respite care **265**—ch 21; **321**—14.2, 14.6(4), ch 28, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Retirement facilities **191**—ch 24

Senior centers **321**—7.1, 7.4; **481**—103.3(3)

Senior living program **265**—ch 20; **321**—5.6(2), ch 28

Supplementary assistance **441**—chs 50–52, 54; **701**—40.43

Transportation **321**—ch 28; **571**—66.4; **761**—411.2(3), 411.3(1)*b*, ch 922
Utility bills **199**—19.3(1)*b*(2), 19.4(15)*d*(8), 20.3(1)*b*(2), 20.4(15)*d*(9)
Volunteer program, retired/senior (RSVP) **817**—ch 7
Waiver services, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Weatherization assistance **427**—ch 5, 10.2(5)

ELDORA TRAINING SCHOOL
See JUVENILES

ELECTIONS
See also ETHICS AND CAMPAIGN DISCLOSURE; POLITICS; VOTER REGISTRATION COMMISSION
Ballots
Abandoned **721**—22.263(9), 22.432, 26.60
Absentee
Generally **101**—4.4; **189**—ch 16; **721**—4.3, 21.1(7,8,14), 21.2, 21.6, 21.300–21.303, 21.320, 21.350–21.355, 21.359–21.361, 22.9, 22.41–22.43, 22.109(7,9), 22.250, 22.340, 22.341; **821**—2.14(2)
Agricultural referendums **21**—20.4(3)
Tabulation **721**—21.1(12)*b*, 21.301(2)*b*, 21.359, 22.9, 22.41–22.43, 22.340–22.342
Audio **721**—22.1, 22.263(2), 22.434
Boxes, emergency **721**—22.231, 22.240, 26.2(1)*a*
Commissioner duties **721**—21.1(7), 21.6, 21.200, 21.301, 21.303, 21.320, 21.351, 21.352, 21.354(4), 21.355, 21.801, 21.802, 21.810, 21.820, 22.42, 22.102(8,9), 22.232(1), 22.250, 22.262, 22.263(3), 22.340, 22.431, 22.434, 26.12, 26.104(1)*d*, 26.105
Commodity referendums **21**—20.4
Constitutional amendments **721**—21.200
Count systems, *see Tabulation this subheading below*
Credit unions **189**—3.4–3.6, chs 12, 16, 19
Defective, *see Errors this subheading below*
Definitions **721**—22.1, 22.101
Errors **721**—21.354(4,5), 21.355, 22.42(1)*a*, 22.42(2)*f*, 22.261(4), 26.12, 26.13
Format **721**— 21.801, 21.803, 21.810, 21.820, 21.830(2), 22.102, 22.261(3), 22.262(4)
Gambling measures, *see Gambling, Excursion Boats/Racetracks/Structures below*
Lake districts, benefited recreational, trustees **721**—21.830(2)
Local option tax **701**—108.2(2), 109.2(2,3); **721**—21.801, *see also Schools this subheading below*
Marks **721**—22.42(1), 22.232(1,2), 22.261(3,4), 26.1, 26.13–26.21
Paper **721**—21.801, 22.221, 22.431, 26.1, 26.2(3,4), 26.4(2), 26.50, 26.51, 26.61
Printed **721**—22.431
Provisional **721**—21.1(12)*b*, 21.3(6), 21.6, 21.301(1), 21.302, 22.340, 22.341; **821**—2.15(5)
Sample **11**—102.6, 102.7; **721**—22.102(9)*g*, 22.221
Schools **701**—108.2, 109.2; **721**—21.803
Secrecy **721**—21.4(14), 21.300, 21.300(5,8,11), 21.301(2), 21.303"3," 21.320(4), 21.359, 21.361(5), 22.101, 22.232, 22.261(4), 22.263(8,9)
Security **721**—21.1(10), 21.300(6,8), 21.351, 21.352(3), 21.354(3), 22.50, 22.102(9), 22.262(1), 26.105
Special **721**—4.3, 21.1(8), 21.4(2), 22.221
Stamping, repeat elections **721**—21.1(15)*a*
Tabulation **721**—22.41–22.43, 22.101, 22.200, 22.201, 22.231, 22.232(4–7), 22.240, 22.260, 22.340–22.342, 22.431(4), ch 26, *see also Absentee this subheading above*
Telephone, enhanced 911 emergency service **721**—21.810
Test **721**—22.9(4,5), 22.10, 22.11, 22.14(4), 22.42, 22.43(3), 22.102(9), 22.263
Utilities, telephone, surveys **199**—22.8(3,5)

Beef industry council **101**—ch 4
Benefited recreational lake districts **721**—21.830
Boundary changes, municipal **263**—10.1, 10.4; **721**—21.30, 21.400

Campaign funds, *see ETHICS AND CAMPAIGN DISCLOSURE*
Candidates
*See also CITIES: Elections; SCHOOLS: Election*s
Debates, media organizations **351**—4.51
Leaves of absence **11**—63.11; **681**—3.150
Nominations **721**—1.4(4), 4.3, 21.1(15), 21.2, 21.10(3), 21.201, 21.601(2), 21.602
Recounts **721**—26.100–26.103
Test elections **721**—22.10, 22.11

Checkoffs, *see CHECKOFFS*
City, *see CITIES*
Commissioners
County
See also Ballots above
Bonds, contest proceedings **721**—21.20
Boundary changes **263**—10.1
Emergencies **721**—21.1(4), 21.50(6)
Equipment **721**—22.4(2)*d*, 22.31, 22.32, 22.41–22.43, 22.50(2), 22.51, 22.200, 22.201, 22.261, 22.263
Gambling measures **721**—21.820
Inspections, polling places **721**—21.50
Nominations **721**—21.201(2,3)
Notices **721**—21.1(2), 21.355, 21.403, 21.602(3), 21.820(1)
Records **721**—21.351(1), 21.355(3), 22.51, 22.52, 26.105(3)
Recounts **721**—21.25, 26.12
Reports **721**—21.1(13), 21.6, 22.30(3), 24.1, 24.2, 26.12
Roster **721**—21.5
Tax elections **701**—108.2, 109.2; **721**—21.800–21.803
Telephone service, emergency funding elections **721**—21.810
Voter registration **721**—21.8, 21.301(2), ch 28; **821**—1.4(2), 1.7, 2.1, 2.8–2.12, 2.14(1,4), 2.15, 3.2, 3.5, 3.7, 3.8, 3.10, 5.1(2), chs 6, 9, 10
Voting stations, absentee **721**—21.300

Deputies **721**—1.4(1,2), ch 20
State **721**—1.4(1,2), 1.12, 20.1, 21.1, 21.10, 21.200, 21.201(2), 24.1, 24.3, chs 25, 28; **821**—1.2–1.4

Complaints/hearings **721**—22.4(1)*b*, ch 25
Conduct, errors **721**—21.1(15)
Contested **721**—21.2(1)*f*, 21.20, 21.21
Contributions, *see ETHICS AND CAMPAIGN DISCLOSURE: Committees, Campaign*
Counties, *see Commissioners above; COUNTIES*
Credit unions **189**—chs 12, 16, 19
Definitions **721**—21.1(1), 21.50(4), 21.800(4), 22.1, 22.101, 23.1, 25.1, 26.1, 27.2
Disasters, *see Emergencies below*
Disclosure procedures, *see ETHICS AND CAMPAIGN DISCLOSURE*
Documents
Facsimile **721**—21.1(14), 21.2, 21.320(3)
Filing deadlines **721**—21.2(2), 21.402

Egg council **301**—chs 3, 4
Emergencies
Declaration **721**—21.1
Waivers, polling place accessibility **721**—21.50(6,7)

Equipment, *see Examiners Board, Voting Machines/Systems below; Voting below*
Examiners board, voting machines/systems
Certification, application/approval
Generally **721**—22.1, 22.4–22.6, 22.8, 22.14–22.18, 22.21, 22.30(1), *see also Voting: Equipment below*
Booths **721**—22.1, 22.4(2), 22.19–22.29
Reports **721**—22.5(3–5), 22.12–22.14, 22.23–22.25, 22.30(1)
Fees **721**—22.4, 22.5(10), 22.14(2), 22.19, 22.25(2)
Meetings **721**—22.3, 22.4
Excise taxes, *see CHECKOFFS*
Federal **721**—21.1(12), 21.50(7) Section B, 21.354, 22.250, 25.1(3)
Forms **701**—39.3(5); **721**—1.4(5), 4.3, ch 21, 22.5(10), 22.19(8), 22.51(4), 22.342, ch 23, 24.3; **821**—ch 2, *see also Ballots: Format above*
Funds, *see Voting: Equipment below*
Gambling, excursion boats/racetracks/structures **721**—21.820
Hotel/motel tax **701**—ch 105
Judiciary **721**—1.12
Lake districts, benefited recreational, trustees **721**—21.830
Local option tax referendum **701**—42.11, 105.1, 107.2, 107.14, 108.2, 109.2; **721**—21.800, 21.801
Nominations, *see Candidates above*
Party establishment **721**—21.10
Penny sales and services tax **721**—21.803
Petitions
Absentee voting stations **721**—21.300
Charter commissions, appointment **721**—21.402
Gambling, *see Gambling, Excursion Boats/Racetracks/Structures above*
Nomination, *see Candidates above*
Taxation measures **721**—21.800, 21.802
Polls
Accessibility, *see Voting: Disabled below*
Relocation **721**—21.1(5,12)
Reopening **721**—22.261(2)*e*
Reports **721**—22.261(2)*d*
Signs **721**—21.9
University, research **351**—5.4(2)*b*
Postponement **721**—21.1(6–10), 21.1(12)*a*
Proxies, domestic stock insurers **191**—ch 7
Public employment relations board, *see PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)*
Public officials, retirement benefit waivers **495**—11.5
Records **721**—4.3, 21.1(10,11), 21.5, 21.25, 21.201(2,3), 21.300(10–12), 21.301, 21.359(5)*c*, 22.5(3), 22.32, 22.41(2)*c*, 22.43(3)*e*, 22.51, 22.52, 22.102(9), 22.240(3), 22.261(2)*d*, 22.261(5), 22.263(5), 22.342, 22.431(4), 25.27, 26.4(2), 26.104(1)*d*, 26.105(3), 27.9, *see also VOTER REGISTRATION COMMISSION: Data Processing Systems*
Referendums
Agricultural products, *see CHECKOFFS*
Local option, *see Local Option Tax Referendum above*
Telephone service, emergency **721**—21.810
Registers **821**—ch 5
Repeat **721**—21.1(6,15)
Reports **721**—21.50(7) Section B, 21.300(12)"7," 22.42(2), 22.261(2)*d*, 26.12, 26.107, *see also Commissioners: County above; Examiners Board, Voting Machines/Systems above; Results below; Voting: Equipment below*
Results **701**—105.2; **721**—1.4(5), 21.1(9), 21.1(12)*b*, 21.810(3)*b*,*c*, 21.820(5), 21.830(3), 22.30, 22.50(2), 22.51(9,12), 22.240, 22.241, 22.261(2)*c*,*d*, 22.261(5), 22.341, ch 24, *see also Voting: Recount below*
Schools, *see SCHOOLS*

Security **721**—22.50, 22.51, 22.200, 22.261(1,2), 22.262(1), *see also Ballots above*
Sheep/wool promotion board **741**—ch 3
Special **721**—21.300
Supervisors, county, *see COUNTIES*
Telephone, enhanced 911 emergency service, *see Referendums above*
Unions **621**—chs 4, 5
Utilities, rate regulation **199**—26.12
Vehicles, taxation, local **721**—21.802
Voting
See also Ballots above; Local Option Tax Referendum above
Absentee, *see Ballots above*
Booths, *see Examiners Board, Voting Machines/Systems above*
Commissioner duties, *see Commissioners above*
Disabled **721**—21.50, 21.300, 21.300(8)*d*, 22.22"4"
Eligibility **721**—21.4, 21.5
Employees, leaves **11**—63.13; **681**—3.147
Equipment
Generally **721**—ch 22, *see also Examiners Board, Voting Machines/Systems above*
AutoMARK Voter Assist Terminal (VAT) **721**—22.263
Ballot marking devices **721**—22.1, 22.5(8)*b*, 22.32
Count devices **721**—22.262
Definitions **721**—22.1
Direct recording, electronic (DRE) **721**—21.100, 22.32, 22.431, 22.433, 26.105(3)
Funds **721**—21.100, 22.32, ch 27
Inspections **721**—22.43(1,2), *see also Tests this subheading below*
iVotronic software **721**—22.261(2)*d*, 26.2(4)
Malfunction **721**—21.25, 22.52
Memory cards **721**—22.51, 22.52(2), 22.200(2)
Optical scan systems **721**—21.100, 22.1, 22.5(8), 22.32, 22.41–22.43, 22.101, 22.102, 22.261(2)*d*, 26.1, 26.2, 26.4(1), 26.10–26.21, 26.105(2)
Reports **721**—22.18(1)*a*, 22.19(3,4), 22.28(2), 22.52, 22.261(2)*d*, 22.262(3), 26.3, *see also Examiners Board, Voting Machines/Systems above*
Software models **721**—22.261
Tests **721**—22.1, 22.2, 22.5, 22.7–22.9, 22.14(4), 22.17(2,4), 22.19(3), 22.28(2), 22.30(1), 22.31, 22.41, 22.43, 22.262(5), 22.263, *see also Ballots above*
Forms, *see Forms above*
Grants, Help America Vote Act **721**—ch 27
Information, corporations **351**—4.46
Military, Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) **721**—21.1(14), 21.320
Overvotes/undervotes **721**—22.42(2)*a*, 22.262(2), 22.340, 26.3
Party declaration **721**—21.5(2)
Polls, *see Polls above*
Records, *see Records above*
Recount **721**—21.2(1)*i*, 21.25, ch 26 Part V
Registration **701**—39.3(5); **721**—21.1(6), 21.3, 21.4, 21.7, 21.8, 21.300(2)*e*, 21.300(5)*a*, 21.300(10), 21.301, 21.302, chs 23, 28; **821**—chs 1–3, 5, 6, 8–11; **877**—ch 24, *see also VOTER REGISTRATION COMMISSION*
Roster **721**—21.5
Satellite stations, absentee **721**—21.300, 22.50(3)
Signs **721**—21.9
Systems **721**—ch 22, *see also Examiners Board, Voting Machines/Systems above*
Voter identification **721**—21.3, 21.300, 21.302
Write-in votes **721**—21.602(2,3), 22.10(3), 22.11(5), 22.41(1)*d*, 22.232(2), 22.240(3), 22.262(2), 22.340, 22.342, 26.2(1)*b*, 26.20, 26.50, 26.51, 26.61

ELECTRICAL SAFETY CODE
Generally **199**—11.1, ch 25

ELECTRICITY/STEAM
Cogeneration pilot program **261**—ch 62
Contractors **661**—chs 500–504; **871**—23.82(2)*h*
Effluent/pretreatment standards **567**—62.4(23,49)
Electrical installations
Inspections **661**—chs 550–553, 559
Standards **661**—201.3, 301.5

Taxation
Companies, replacement/property **701**—ch 70
Credits, wind/renewable energy, *see ENERGY*
Sales/use tax **701**—15.3(4), 15.13, 16.20, 17.2, 17.3, 17.9(5), 17.31, 17.38, 18.30(3), 18.39, 18.56, 18.58, 26.16, 231.16, *see also TAXATION: Sales and Use: Utilities*

Wind tower lifts, *see ELEVATORS: Lifts*

ELECTRIC UTILITIES
See also COMMERCE DEPARTMENT
Accidents/injuries **199**—20.8, 25.5, 42.15
Accounting
See also Taxation: Value, Determination below
Advertising/promotional expenses **199**—16.2(7,8), 16.7, 16.8, 26.5(5)*e*(24)
Annual report **199**—16.2(6), 17.5, ch 23; **701**—77.2
Capital gains/losses **199**—16.2(9,10)
Definitions **199**—16.2(1,2,7)
Operating revenues **199**—17.2(4), 17.5, 17.8(5)
Records **199**—18.1–18.5
Uniform system of accounts **199**—16.1, 16.2, 16.7, 16.8

Advertising/promotional practices
Accounting requirements, *see Accounting above*
Assistance program, winter **199**—20.4(15)*g*

Affiliates **199**—ch 31, 40.2, 40.4
Assessments **199**—ch 17
Assets **199**—31.8, ch 32
Bills, customers, *see Customers below*
Certificate, public convenience **199**—ch 24
Cogeneration **199**—ch 15
Complaints
Generally **199**—ch 6, 8.2, 20.1, 20.4(2,20), 20.7(12), 26.8(2), 26.9, 34.7, 40.6, *see also COMMERCE DEPARTMENT: Utilities Division*
Bidder disputes **199**—40.6

Conduits **761**—115.2, 115.12(1)*c*, 115.13(5)*b*, 115.13(8)
Construction **571**—13.7; **761**—ch 115, 150.4(5), *see also Generating Facilities below; Power Lines below*
Contracts **199**—15.11(1,2,4), 20.2(4)*e–g*, 20.3(13)*b*(1), 20.3(13)*c*(2,3), 20.3(13)*f*, 20.13(1), 20.15(6), 31.3, 31.5
Customers
See also Service below
Bills
Access **199**—34.5
Adjustment **199**—20.2(5)*h*, 20.4(14), 20.9
Assistance, *see Energy below*
Budget plan (level payment) **199**—20.4(12)*e*
Credits/refunds **199**—20.4(12)*c*, 20.4(12)*e*(3–5), 20.4(14)

ELECTRIC UTILITIES (cont'd)
Customers
Bills

Estimate **199**—20.3(6), 20.4(18)
Forms **199**—20.2(5)*g*, 20.4(8,9), 20.4(15)*d*(3)
Intervals **199**—20.3(6), 20.4(12), 20.4(15)*a*
Nonutility services **199**—34.6
Payment/nonpayment **199**—20.4(11,12,15,16,23), 34.6
Records **199**—20.4(13)

Complaints, *see Complaints above*
Contribution fund **199**—20.15
Facilities, ownership standards **199**—25.2(5)
Fees
Advance for construction **199**—20.3(13)*a*, 20.3(13)*c*(5)
Permit, construction **199**—20.3(13)*a*,*c*, 20.3(13)*d*(5)

Information **199**—1.5(3)*b*, 20.4(1,9), 20.18(9), *see also Notices below*
Meters, *generally*, *see Meters below*
Rights/responsibilities **199**—20.4(15)*d*(3)

Definitions **199**—15.1, 15.11, 20.1(3), 20.3(13), 20.17, 20.18(4), 24.2, 26.5(1)*a*, 34.2, 35.2, 35.12, 36.2, 40.1(1)
Deposits **199**—20.4(3–8), 20.4(15)*d*
Disasters, bond allocation **265**—30.3(2)
Division, *see UTILITIES*
Emergencies, back-up power **199**—ch 15; **567**—20.2, 21.6, 22.100
Energy
Alternate energy production (AEP) **199**—ch 15, 20.9(2)*b*(6)
Assistance **199**—20.4(15)*d*(3)"3," 20.4(15)*d*(10), 20.4(15)*g*, 20.4(17), 20.15; **427**—ch 10, 23.5(6)*b*; **441**—65.8
Efficiency planning/cost review **199**—16.7(2), chs 35, 36
Iowa energy center/global warming center, funding **199**—17.7
Nuclear generation **199**—20.9(2)*d*
Peaks **199**—20.11
Purchases **199**—ch 15, *see also Purchases, Electric Energy below*
Voltage, standards **199**—20.7
Wind/renewable, taxation credits **199**—15.18–15.21, *see also ENERGY*

Franchises **199**—2.4, 11.1(5), 11.2, 11.3(1,2,4), 11.4, 11.5, 11.7, 16.2(8)*i*(6), 16.2(8)*k*, 17.9(2), 20.2(5)*k*
Generating facilities
See also Relocation below; Right-Of-Way: Highways below
Construction
Boilers/pressure vessels, nuclear plants **875**—91.7
Certificate of public convenience **199**—ch 24
Cogeneration **199**—ch 15
Engineering standards **199**—20.5
Notification, department **567**—33.3(18)*f*(3)
Safety **199**—20.8, ch 25

Emissions
Abatement **567**—24.4(1)*e*, 26.4
Clean coal technology **567**—33.3(1)
Information, submittal **567**—33.3(18)*f*(3,6)
Permits **567**—22.1(4)
Potential, emergency generators, operation permits **567**—20.2
Standards, federal **567**—23.1(2)*z*,*aa*
Steam generating unit **567**—33.3(1)

Maps **199**—20.3(11)
Power supply **199**—ch 15, 20.5(3)
Voltage, *see Voltage below*
Water withdrawals **567**—52.2(2), 52.4(3)

Hearings, *see COMMERCE DEPARTMENT*
Inspections
Construction, assessments **199**—17.9(4)
Ground connections, artificial **199**—20.8(4)
Meters, *see Meters below*
Plan **199**—25.3
Plants **199**—15.10(5), 17.9(4), 20.5(5); **761**—115.16(7)

Insurance, liability **199**—42.8, 42.9; **761**—115.16(10)
Interconnections, power grid, *see Purchases, Electric Energy below*
Low-income assistance, *see Energy above*
Maintenance **199**—25.3(4), 25.4, 42.3(5), 42.4; **761**—115.2, 115.4, 115.9(2,3), 115.10(4), 115.13(7), 115.14, 115.16(3), 115.19
Management efficiency evaluation **199**—ch 29
Maps
Electric lines/generating facilities **199**—11.2, 20.3(11)
Filing **199**—20.2(5)*a*
Power plant construction **199**—24.4(1)*d*,*h*
Service areas **199**—20.3(8,9,11)

Marketing, nonutility services **199**—ch 34
Meetings **199**—11.4, 11.5
Meters
Apartments/multioccupancies **199**—20.3(1)*b–d*
Definition **199**—20.1(3)
Demand **199**—20.3(7)
Errors **199**—20.4(14)
Exceptions **199**—20.3(1)*b*
Inspections/tests **199**—20.6
Ownership **199**—20.3(1)
Reading **199**—20.3(3–7), 20.4(9)
Records **199**—20.3(3,4), 20.4(13), 20.6(5)
Seals **199**—20.4(15)*b*(3)
Voltmeters **199**—20.7(7,8,10)

Notices
See also Reports below
Generally **199**—20.4(2)
Alternate energy programs (AEPs) **199**—15.17(2)
Construction programs **199**—11.5, 24.6, 24.7(7)
Disconnection **199**—15.10(6), 20.4(15)
Energy assistance program **199**—20.4(15)*g*
Peak demands **199**—20.11
Rates/charges/schedules, changes **199**—20.4(1)*c*,*d*, 26.5(1)
Records location **199**—20.2(5)*e*
Service outage **199**—20.18(4), 20.19

Nuclear energy **199**—20.9(2)*b*,*d*
Offices **199**—18.2
Permits
Highway facilities **761**—115.4(1,2,11,13), 115.8, 115.10, 115.16(12), 115.27(2)*a*(6), 115.28(2), 115.29(1), 115.30(6)
Railroad crossings **199**—11.1(8)

Petitions, *see Power Lines: Franchises below; Service: Areas below*
Power lines
Construction
Authority **199**—1.4, 20.1(1)
Bridge attachment **761**—115.12, 115.16(2)*d*
Contractors **871**—23.82(2)*e*(2)
Extensions/service lines, customer **199**—20.3(13)
Joint/common use **199**—11.6, 25.2(2)*a*(2), 25.2(4)
Notice, proposed **199**—11.5
Right-of-way **199**—11.5, 11.6(1), ch 42
Safety code requirements **199**—20.5(2), 25.2
Definitions **199**—20.1(3)
Franchises **199**—2.4, ch 11
Grounding **199**—20.5(2), 20.8(4)
Hearings **199**—11.5
Interconnections **199**—20.5(3), *see also Purchases, Electric Energy below*
Maps **199**—11.2, 20.3(11)
Overhead/underground installation **199**—2.4, 11.1(3), 20.3(13)*d*, 25.2; **761**—115.5(5)*d*, 115.6(2), 115.11, 115.13, 115.15(2)*b*, 115.15(3), 115.16(1), 115.17(1), 115.18(2), 115.19(1)*b*
Safety **199**—1.4, 11.1, 20.8, ch 25
Power plants, *see Generating Facilities above*
Procurement
Bidding procedure **199**—ch 40
Plan **199**—20.13
Purchases, electric energy
Alternate energy production (AEP) facilities **199**—ch 15, 20.9(2)*b*(6,9)
Contracts **199**—15.11(4), 20.13(1)
Sales tax **701**—16.20, *see also Taxation: Sales below*
Rates
See also Purchases, Electric Energy above
Allowances, emissions **199**—20.9(2)*e*, 20.17
Cases **199**—20.14(5), 26.3, 26.4
Changes, *see Notices above*
Definitions **199**—15.1, 26.5(1)*a*
Discount/incentive **199**—20.14
Increases, *see Notices above*
Investigations **199**—26.7
Non-rate-regulated utilities **199**—ch 36
Reasonableness **199**—26.5(2)
Rural electric cooperatives **199**—26.1(1), 26.5(5)*d*, 26.12
Sliding scale **199**—20.9
Standards **199**—20.10
Suspensions, temporary authority **199**—26.5(8)
Tariffs, *see Tariffs below*
Tax liability **199**—ch 30
Unregulated **199**—16.2(4,5), 20.2(2), 26.5(1)*c*(2)
Records
Generally **199**—ch 18
Affiliates **199**—ch 31
Bid-related **199**—40.4(2)*a*
Bills, *see Customers above*
Complaints **199**—20.4(20)

Confidential **199**—1.9(5,6), 30.2, 31.5(2)
Construction, work orders **199**—20.3(13)*c*(6)
Deposits **199**—20.4(5,8)
Inspection units **199**—25.3(4)
Location **199**—1.9, 18.2, 20.2(5)*e*
Meter, *see Meters above*
Open **199**—1.9
Retention **199**—18.4(2), 18.5(2), 20.2(1), 20.4(8,13), 20.7(7), 25.3(4)
Service, *see Service below*

Relocation
Generally **199**—11.6(3)
Assistance **761**—ch 111
Right-of-way **199**—42.5; **761**—150.4(5), *see also Right-of-Way below*

Rental dwelling units **199**—20.3(1), 20.4(15)*d*(5); **427**—10.2(6); **701**—16.15
Reorganization, asset/stock disposal **199**—ch 32
Reports
See also Notices above
Generally **199**—20.2(5), 20.18(6–9)
Accidents, *see Accidents/Injuries above*
Annual
Generally **199**—16.2(6), 18.2(5), ch 23; **701**—77.2
Access, public **199**—1.9(4)*e*
Alternate energy use **199**—15.11(1,3), 15.17(4,5)
Inspection plan compliance **199**—25.3
Lighting, flood installation **199**—35.15(2), 36.8(2)
Maps **199**—20.2(5)*a*
Notifications, customer **199**—20.11(5)
Operating revenues **199**—17.5
Rate discounts, *see Rates above*
Service records/reliability **199**—20.2(5)*d*, 20.18(7,8)

Bid solicitation **199**—40.2(4)
Disasters, generator use **567**—21.6
Fuel procurement plan **199**—20.13
Funds, collection/distribution **199**—20.15(5)

Right-of-way
See also Power Lines: Construction above
Highways
Generally **761**—ch 115
Adjustments **761**—115.1, 115.2, 115.4(2), 115.4(11)*b*, 115.16(11), 115.25, 115.27–115.30

Railroads **199**—ch 42

Rural cooperatives
Federal regulations **199**—18.5
Rate changes, *see Rates above*
Tax, sales **701**—16.20

Safety **199**—1.4, 20.8, 42.15, *see also Standards below*
Service
Areas **199**—20.3(8–10)
Changes **199**—20.4(22)
Costs **199**—20.4(21,22), 20.10, 33.4–33.7, *see also Rates above*
Definitions **199**—20.1(3), 20.18(4)

Denial **199**—20.4(15,16)
Disconnection
Generally **199**—20.4(15)
Emergency **199**—15.10(6)
Exceptions **199**—20.4(16,17), 34.6(2)
Nonpayment **199**—20.4(11)*c*, 20.4(12), 20.4(15)*d–f*, 20.4(23); **427**—10.13(5)*d*

Discontinuance/termination/transfer **199**—7.1(6), 20.4(7,8)
Equipment **199**—20.4(19,22)
Lines, *see Power Lines above*
Interruptions **199**—20.7(11), 20.18
Limitation **199**—20.4(23)
Nonutility **199**—ch 33
Reconnection **199**—20.4(15)*d*(3)"8"
Records **199**—20.2(5)*d*, 20.18(5), ch 33
Standards **199**—20.7, 31.7, 33.6, 33.7, 36.7
Temporary **199**—20.3(1), 20.4(21)
Transfers, affiliate **199**—31.7

Standards, *generally* **199**—11.1, 15.10, 20.5, ch 25, *see also Rates above; Service above*
Supply lines, *see Power Lines above*
Tariffs **199**—1.5(3)*c*, 1.9(4)*f*, 7.4(4)*a*, 15.5(3), 15.11(4), 15.17(6), 18.2(1), 20.1(3), 20.2(2–4), 20.3(13)*c*(1–3), 20.3(13)*d*(4), 20.4(12)*e*(4), 20.4(15,20,23), 20.14(3), 26.5(3–8), 35.12(5)
Taxation
Annual report **701**—77.2
Corporate **701**—52.32, 54.7(8)
Credits, renewable/wind energy, *see Energy above*
Exemption, reciprocity **701**—17.23
Facilities, railroad right-of-way **199**—42.13
Liability, revenue readjustment **199**—ch 30
Local option **701**—107.7, 107.9
Replacement/statewide property **701**—ch 70
Sales **199**—20.4(9)*e,i*; **701**—14.3(9), 15.13, 16.15(1–4), 16.20, 16.50, 17.3(1)*d*, 17.9(4), 17.23, 18.5(3), 18.39, 18.45(3)*a*, 18.57(3)
Soy-based transformer fluid **701**—42.33, 52.32
Transportation **701**—15.13, 54.7(8)
Value, determination **701**—ch 77

Telephone lines, joint use, *see Power Lines above*
Transmission lines, *see Power Lines above*
Utilities board, *see COMMERCE DEPARTMENT*
Violations **199**—ch 8, *see also Service: Disconnection above*
Voltage **199**—20.4(22), 20.7

ELECTROLYSIS
See COSMETOLOGY AND COSMETOLOGISTS

ELEVATORS
See also HEALTH CARE FACILITIES; HOSPITALS
Accidents **875**—71.2(6), 71.3, 76.4(4)
Building code requirements, *see BUILDINGS*
Construction sites **875**—71.4, 72.23, 72.24, 75.1(4), 75.3, 75.5, 75.6, 76.2, 76.3, 76.6, *see also Installation/Alteration below*
Contested cases, *see Hearings/Appeals below*
Definitions **875**—32.8(6)*e*, 65.1, 70.1, 71.1, 72.2
Disabled, specifications **875**—72.3, 72.16, 73.21

Dumbwaiters **875**—72.8, 72.11, 73.1, 73.24, 75.1(2), 75.3, 76.4(3)
Escalators **875**—72.11, 73.1, 73.22, 75.1, 75.3, 76.4(2)
Freight **875**—73.2, 73.4
Grain, *see GRAIN; WAREHOUSES*
Hand-powered **875**—72.17, 73.18, 75.3
Health care facilities, *see HEALTH CARE FACILITIES*
Hearings/appeals **481**—1.6"2"; **875**—65.2, 65.3(4), 66.4(1), 66.9, ch 69, 70.14(2)
Hospitals **481**—51.50(4), 51.51(4)
Hydraulic **875**—72.5, 73.16
Inspections **875**—ch 69, 71.2, 71.5, 72.11, 72.12(9,10), 75.1–75.3, 75.7, 76.1, 76.3
Inspectors, special, licenses **283**—ch 37; **441**—ch 98 Div. VIII; **875**—71.5, 75.7
Installation/alteration **875**—ch 72, 73.8, 75.1, 75.2, 76.1–76.3, 76.5, 76.7
Lifts
  Material **875**—72.22
  Wheelchair **875**—71.2(2)*c*(4), 72.16, 73.1, 73.20, 75.1(2), 75.3, 76.4(2)
  Wind tower **875**—71.1, 71.2(7), 71.5(5)*c*, 72.12, 75.1(3), 75.3, 76.4(2), 76.5(1)
Moving walks **875**—72.9, 72.11, 73.1, 73.23, 75.3, 76.4(2)
Occupations, child labor **875**—32.8(6)
Passenger **875**—72.3, 73.2, 73.3, 76.6
Permits **875**—chs 75, 76
Registration, conveyance **875**—71.4
Safety
  Board
    Address **875**—65.5, 66.4(3), 67.3, 70.3(1), 70.6
    Declaratory orders **875**—ch 68
    Definitions **875**—65.1, 70.1
    Meetings **875**—65.4
    Organization **875**—65.3
    Records, g*enerally*, public/fair information **875**—ch 70
    Reports **875**—ch 66
    Rule making **875**—65.2(1), ch 67, 70.15(1)
  Standards, tests **875**—71.2(2), 71.6, chs 72, 73, 75.8
Sidewalk **875**—72.6, 73.17
Special purpose **875**—72.15, 73.19
Taxation, improvements **701**—19.10(2)*c*
Variances **875**—ch 66, 69.1(5), 71.7

ELK
See LIVESTOCK: Cervidae

EMBALMERS
See FUNERALS

EMERGENCY MANAGEMENT DIVISION
See PUBLIC DEFENSE DEPARTMENT

EMERGENCY MEDICAL CARE
See also AMBULANCES/RESCUE VEHICLES; DEFIBRILLATORS
Advisory council **641**—ch 130
Appeals/hearings **641**—131.12, 132.10
Authority, personnel **641**—131.3(1); **655**—6.2(5)*c*
Certification/endorsement, personnel **641**—131.1, 131.2, 131.4, 131.5(12)*f*, 131.7, 131.9, 131.10, 139.4, *see also Service Programs: Authorizations below*

Complaints/investigations **641**—131.7, 131.8, 131.12, *see also Service Programs below*
Continuing education **641**—131.1, 131.4(3–7), 131.6, 131.8(2)*b*,*h*,*j*,*m*, 131.12, 132.9(2)*d*, 132.9(3)*d*, 137.3, 140.4(1)*a*(2)
Definitions **441**—75.11; **641**—131.1, 132.1, 133.1, 134.1, 135.1, 136.1, 137.1, 138.1, 139.1, 140.1, 141.1, 142.1, 143.2
Defibrillation, EMT-D/FR-D **641**—131.1, 132.1, *see also LAW ENFORCEMENT ACADEMY: Training*
Director, medical, *see Service Programs below; Training Programs below*
Diseases
  Disinfection **641**—132.8(5)*b*
  Exposure **641**—11.45–11.53, 131.7(2)*x*
  Quarantines **641**—1.13(8)*d*
Drugs **641**—132.8(4)*c*–*e*, 132.8(6)*a*; **657**—ch 11
Healthy and well kids in Iowa (HAWK-I) program **441**—86.8(7), 86.15(2)*b*
Insurance **191**—35.20(7), 35.33, 37.15(4), 40.20, 71.21, 75.14; **641**—131.5(3)*d*, 131.5(12)*d*
Limited service organizations (LSOs) **191**—41.18
Medical assistance, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
OOH DNR, *see Resuscitation Orders, Out-of-Hospital (OOH DNR) below*
Pesticide exposure, information **641**—ch 71
Preceptors **641**—131.1, 131.4(4)*d*(6), 131.5(4)*e*, 132.1
Public health department authority **641**—170.4(3), 175.13(2)*a*(5,7)
Registration, national **641**—131.1, 131.4(11)
Resuscitation orders, out-of-hospital (OOH DNR) **641**—ch 142
Retirement benefits **495**—4.6(4)*l*
Scope of practice **641**—131.3(3), 132.2(4), 132.8(3)*c*
Service programs
  Association, PAC membership **641**—114.4(1)*h*
  Authorizations **641**—132.7, 132.8(1,2), 132.8(3)*l*, 132.10, 132.14, 133.3–133.5, 135.3, 136.3, 137.4, 170.4(3)
  Complaints **641**—131.12, 132.10, 136.3, 137.4
  Director, medical **641**—131.3(2), 132.2(3), 132.8(1)*i*, 132.8(3)*b*,*f*,*i*,*j*, 132.8(9), 132.9; **655**—6.4(2)
  Discrimination **641**—132.10(3)*d*
  Grants **641**—chs 140, 141, 143
  Hospitals, on-line medical direction **641**—132.9(6)
  Inspections **641**—132.7(4)
  Nurses **641**—132.2(2)*b*, 132.8(3)*d*,*k*,*n*, 132.9(6)*d*; **655**—6.4(2)
  Out-of-state **641**—132.7(2)
  Physicians/assistants **641**—132.2(2), 132.8(3)*d*,*k*,*n*, 132.9(3,6), *see also Director, Medical this subheading above*
  Providers, termination **641**—132.8(6)*c*
  Records/reports **641**—132.7(4), 132.8(1)*e*, 132.8(3)*a*,*b*,*e*, 132.8(6–8), 132.10(3)*a*,*b*, 136.2(2,3), 175.14(1)*d*
  Taxation, income surtax **701**—42.11
  Temporary **641**—132.7(5)
  Transport options **641**—132.15
  Variances **641**—132.8(9), 132.10(16), 132.14, 136.2(7)*c*
  Vehicles
    Accidents/incidents, reports **641**—132.8(6)
    Ambulances, air **641**—132.7(3)
    Definitions **641**—132.1
    Equipment **641**—132.8(3)*o*, 132.8(4), 132.8(5)*c*
    Lights, white flashing **641**—ch 133
    Maintenance **641**—132.8(5)
    Personnel **641**—132.8(1)*b*,*c*, 132.8(3); **655**—6.4(2)
    Plates, registration **761**—401.10
    Rescue **661**—259.205

EMERGENCY MEDICAL CARE (cont'd)
Service programs
Vehicles

Standards **641**—132.8(4)
Telecommunications **641**—132.8(4)*f,g*, 132.9(6)*b*(1)

Substance abuse treatment facilities **641**—155.21(17), 155.25(15)
Surtax, *see Service Programs above*
Training programs
AIDS (acquired immune deficiency syndrome) **641**—11.35(3)
Approval **641**—131.5(10,11), 131.8
Complaints **641**—131.8, 131.12
Continuing education, *see Continuing Education above*
Driver's **641**—132.8(1)*c*(2)
Enrollment **641**—131.2
Firefighters **661**—251.102–251.104, 259.301–259.305
Funds **641**—131.5(9), ch 140
Law enforcement providers **641**— ch 139
Medical director **641**—131.5(4)
Records/reports **641**—131.5(6), 131.5(10)*l*, 131.6(2,3)
Standards **641**—131.4(4), 131.5

Trauma care **641**—chs 134–138
Vehicles, *see Service Programs above*
Violations **641**—131.3(5), 131.7(2), 132.10(1,3), 133.4(3), *see also Complaints/Investigations above*
Volunteers, death benefits **495**—14.14

EMERGENCY RESPONSE COMMISSION (IERC)
See PUBLIC DEFENSE DEPARTMENT

EMINENT DOMAIN
Claims, underground storage tanks **591**—11.2(11)
Electric utilities **199**—11.5(1)*a*, 11.5(3), 24.12(2)
Litigation, transportation department **61**—1.3(1)*c*
Pipelines **199**—10.2(1)*h*, 10.3(4)*a*, 10.4(2), 13.4(2)
Relocation assistance **571**—26.5(4); **761**—ch 111
Rights, property owner **61**—ch 34
Taxation, ordinary/capital gain income **701**—40.69, 53.24

EMPLOYEES
See EMPLOYMENT

EMPLOYERS
See EMPLOYMENT

EMPLOYMENT
See also ADMINISTRATIVE SERVICES DEPARTMENT (DAS); LABOR SERVICES DIVISION; PUBLIC EMPLOYMENT RELATIONS BOARD (PERB); REGENTS BOARD; SMALL BUSINESS; TAXATION; WORK AND TRAINING PROGRAMS; WORKFORCE DEVELOPMENT BOARD/CENTER ADMINISTRATION DIVISION; WORKFORCE DEVELOPMENT DEPARTMENT
Affirmative action/equal opportunity **11**—54.1(2), ch 68; **161**—8.6, 8.7, 8.65; **223**—35.6(6)*e*; **281**—94.2, ch 95; **321**—2.8, 3.4, 4.22, 6.3(3,4); **429**—ch 5; **441**—1.3(2)*e*, 105.3, 114.7(1)*a*, 150.3(3), 150.5(3), 152.2(8); **481**—62.9(1)*g*, 65.9(1)*g*; **541**—ch 4; **643**—3.21(8)*b*, 6.3(2)*b*; **681**—3.1, ch 7, 8.6(3); **877**—8.1,
Agencies/services **161**—8.2, 8.65(5); **875**—1.3, 1.23(16), ch 38, *see also EMPLOYMENT AGENCIES*
Aid to dependent children, *see FAMILY INVESTMENT PROGRAM (FIP)*
Aliens **871**—10.6"4," 23.18(4), 24.60, 25.3(1)*i*; **877**—8.1, 8.7
Appeals/hearings
Administrative services department (DAS) **11**—52.4(6), 52.5, 53.4(7)*a*, 54.2(6), 55.2"9," 57.3, 57.4, 57.6, 57.7, 57.9, 58.1, 58.2, 58.9, 59.4, 60.1(1)*a*, 60.2(5), 60.3(7), ch 61, 64.13(7); **481**—1.6"10"; **486**—ch 5
Blind, department for the **111**—ch 8

Board, employment appeal **481**—1.6"2,10," 1.8; **486**—chs 1–8, *see also EMPLOYMENT APPEAL BOARD*
Dismissals **11**—58.2, 60.3(7), ch 61; **486**—ch 6
IPERS **495**—ch 26
Labor services **875**—9.10
PROMISE JOBS, *see WORK AND TRAINING PROGRAMS*
Public employment relations board (PERB) **621**—ch 11
Regents **681**—3.14, 3.26, 3.37, 3.127–3.129, 7.6(2)*h*, 8.6(4), 9.1(3)*a*, 11.1(4), 12.10, 12.11
Unemployment, *see Unemployment Compensation below*
Vocational rehabilitation clients, *see REHABILITATION*
Workers' compensation division **876**—ch 4

Apprenticeships **261**—ch 11; **281**—21.72–21.74, 48.1, 48.2
Blind **111**—chs 7, 8, 10; **871**—24.13(4)*g*
Businesses, expansion, funding **261**—chs 5, 53
Child support obligor **441**—98.71–98.76
Collective bargaining **11**—60.2, 60.3(5), 64.11; **441**—2.3(2); **875**—217.6, *see also PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)*
Deaf **429**—ch 5
Disabled, *see DISABILITIES; WORKERS' COMPENSATION*
Discrimination, s*ee CIVIL RIGHTS; DISCRIMINATION*
Dislocated workers **871**—ch 13, *see also Job Training Programs below*
Elderly **321**—ch 10; **871**—ch 13
Employees
Administrative, wages **875**—218.2, 218.201, 218.203, 218.205–218.207, 218.209–218.215
Agricultural, *see AGRICULTURE: Laborers*
City, *see CITIES*
Compensatory time **875**—220.20, 220.21, 220.27, 220.28
Conflicts of interest, *see CONFLICTS OF INTEREST*
Credit unions **189**—ch 5
Domestic service **871**—23.25, 23.46(4); **875**—ch 219
Driver's licenses (temporary restricted) **11**—103.15; **761**—615.45(3)*b*, 620.3
Drug abuse, pharmacy professionals/technicians **657**—ch 30
Drug testing laboratories **641**—ch 12
Executives, *see Management, Wages this subheading below*
Firefighters, *see FIRE AND FIRE PROTECTION*
Hazards, exposure **875**—2.2(1)*c*, 2.4, chs 110, 140, *see also RADIATION MACHINES AND RADIOACTIVE MATERIALS*
Illness
Catastrophic, leave of absence **11**—63.19
Occupational, *see DISEASES: Employment-Related*
Injury, claims **781**—2.14(10), ch 10; **876**—2.6, ch 3, *see also WORKERS' COMPENSATION*
IPERS (Iowa public employees' retirement system), *see PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*
Legislative branches, wages **875**—220.12
Management, wages **875**—216.3, 218.101–218.119
Non-English-speaking **875**—ch 160
Organizations, dues, payroll deduction **11**—ch 70
Peace officers, *see PEACE OFFICERS*
Professionals, wages **875**—216.3, 218.3, 218.301–218.315
Railroad **875**—ch 29
Retirement, *see State this subheading below; RETIREMENT*
Rights **191**—ch 29; **871**—22.14; **875**—2.2(1)*c*, 2.4, 9.12, chs 110, 140, *see also CIVIL RIGHTS*
Salespersons, wages **871**—23.18(1); **875**—216.3, 218.5, 218.500–218.508

Schools, *see SCHOOLS*
State
See also ADMINISTRATIVE SERVICES DEPARTMENT (DAS): Human Resources Enterprise
Appeals/hearings, *see Appeals/Hearings above*
Bargaining units **621**—chs 1–12, *see also Collective Bargaining above; PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)*
Boards/committees/commissions, membership **11**—63.18
Charitable contributions **11**—chs 43, 71; **681**—16.9(2)
Claims
Damage **441**—ch 8; **661**—ch 41
Travel **11**—41.2–41.8; **481**—9.5(7)
Unemployment, benefits, *see Unemployment Compensation below*
Compensatory time **875**—220.20, 220.21, 220.27, 220.28
Conflicts of interest, *see CONFLICTS OF INTEREST*
Deferred compensation program **11**—1.4(2)*a*, 64.6, 64.12(9)*c*, 64.14; **361**—ch 5
Dismissal, appeal, *see Appeals/Hearings above*
Human resources management **11**—chs 50–66, 68, 70, 71
Incentive programs, retirement **11**—53.12, 60.1(3,5)
Insurance **11**—1.4(2)*a*, ch 46, 63.3(10), 63.9(9), ch 64, 103.1; **361**—ch 6; **441**—86.2(8); **681**—8.7, *see also HEALTH MAINTENANCE ORGANIZATIONS (HMOs)*
Merit system **11**—50.1, 51.2, 57.2, 59.2, *see also Human Resources Management this subheading above*
Parking **11**—ch 101
Payroll deductions **11**—chs 43–46, 70; **681**—8.7
Political activity **11**—ch 65; **351**—8.17; **681**—3.3(3)
Public employment relations board (PERB) **621**—chs 1–12
Records **11**—ch 4, 68.2; **877**—25.13, *see also specific agencies subheading Records*
Regents, *see Regents Board below*
Retirement **11**—53.10, 53.12, 57.1, ch 60, 63.3(10), 64.6, 64.16; **701**—40.50; **871**—24.13(3)*e*, *see also PEACE OFFICERS; PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*; *REGENTS BOARD: Administration: Personnel, Universities*
Salaries, *see ADMINISTRATIVE SERVICES DEPARTMENT(DAS): Human Enterprise: Pay Plan*
Sales/leases, goods/services **351**—6.10–6.12
Services, state opposition **351**—6.14
Telecommunications network access **751**—7.4(2), 7.6"5,8,9," 7.7(1)*e,h,i,o*, 7.10
Telephone directory **11**—4.14(6)*f*
Travel, business, *see Claims this subheading above*
Vacation, *see ADMINISTRATIVE SERVICES DEPARTMENT(DAS): Human Services Enterprise*
Volunteers, *see Volunteers this subheading below*
Wages **11**—50.1, ch 53, 63.18; **875**—ch 220, *see also LABOR SERVICES DIVISION: Wages; PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*
Weapons, permits **661**—91.4(4)
Students, *see Students below*
Tips **701**—40.49; **871**—23.5, 24.13(2)*g*; **875**—216.28, 217.7, 217.50–217.59
Unemployment, *see Unemployment Compensation below*
Unions, *see PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)*
Volunteers **875**—220.100–220.106
Wages, *see State this subheading above; Employers below; Unemployment Compensation: Employers, Contributions below*
Employers
Accelerated career education (ACE) program **261**—ch 20
Aliens **871**—23.18(4), 24.60; **877**—8.1, 8.7

Benefits
See also ADMINISTRATIVE SERVICES DEPARTMENT (DAS): Human Resources Enterprise; PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)
Economic development programs, *generally* **261**—173.2, ch 174
Job creation program, high quality (HQJC) **261**—68.2(4), 68.3(4)*b*(4)
Unemployment, *see Unemployment Compensation below*
Chemicals, hazardous **875**—2.2(1)*c*, 2.4, chs 110, 130, 140
Contractors, *see CONTRACTORS*
Corrections department offenders, placement **201**—37.9, 37.10; **877**—1.5, 1.6, *see also Offenders below*
Elderly, *see Elderly above*
Forms **871**—chs 11, 12
Injuries, employee, *see Employees above*
Insurance, *see INSURANCE: Employees, Coverage*
IPERS (Iowa public employees' retirement system), *see PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*
Job openings **11**—ch 54; **681**—3.68–3.70; **877**—8.3, 8.9
Labor-management cooperation council **877**—ch 9
Labor services, *see LABOR SERVICES DIVISION*
Labor surplus **877**—8.8
PROMISE JOBS sponsors **441**—93.7(4), 93.17(7)
Records/reports **871**—chs 11, 12, 22, *see also Unemployment Compensation below; PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*
Regents board **681**—chs 3, 7, 8.7
School to career program **261**—ch 11; **281**—ch 48
Shared work **871**—24.58
Smoking prohibition enforcement **641**—153.5
Social security **495**—ch 22; **701**—40.49; **871**—23.11
Taxation
Credit, withholding **261**—5.6, 20.2, 20.13–20.16, 58.4(1), 59.6(3)*a*, 71.4; **701**—46.6, 46.8, 46.9
Deduction, *see Wages this subheading below*
Job creation program incentives **261**—68.3(4), 68.4
Unemployment **871**—chs 22–24, *see also Unemployment Compensation below*
Wages
See also Employees: State above; Unemployment Compensation this subheading below
Grow Iowa values fund (IVF) program **261**—ch 174
Minimum **875**—chs 215–220
School to career program **261**—11.3(5); **281**—48.3"6"
Taxation, deduction **701**—40.21, 40.49, 53.11, 59.8
Training program, new jobs **261**—5.13
Withholding, *see Taxation, Deduction this subheading above; WAGES*
Food assistance recipients **441**—65.28, 65.29; **877**—8.4(8), 8.12
Grievances, *see Appeals/Hearings above*
Handicapped, *see DISABILITIES*
Immigrants **871**—chs 13, 14
Insurance coverage, *see INSURANCE: Employees, Coverage; Unemployment Compensation below; Workers' Compensation below*
Internships **11**—53.5(5); **261**—ch 11; **281**—ch 48; **321**—ch 10; **877**—7.14(13)
Jobs, placement **877**—ch 8, *see also WORKFORCE DEVELOPMENT BOARD/CENTER ADMINISTRATION DIVISION*
Job training programs
See also ECONOMIC DEVELOPMENT DEPARTMENT
Benefits, eligibility **871**—23.43(7), 24.39; **877**—8.11
Disabilities, *see DISABILITIES: Employment*

Dislocated workers **871**—13.6; **877**—7.6, 7.10, 7.12(2)*b*, 7.14(8,17), 7.15
Food assistance recipients **441**—65.28
Funds **261**—chs 5, 7–9, 11, 20, 23.4(4,8); **871**—ch 13; **877**—ch 14
Homemakers, displaced **877**—11.8
Industrial new jobs **261**—ch 5
PROMISE JOBS, *see WORK AND TRAINING PROGRAMS*
Refugees **441**—60.9, 61.5(11)*d*,*e*, ch 93
Veterans **281**—ch 51
Welfare-to-work **877**—ch 14
Workforce development **261**—ch 8
Workforce investment Act (WIA) program **877**—ch 7
Youth **281**—ch 66; **441**—151.30; **871**—13.6; **877**—7.8, 7.10(2), 7.12(2)*c*,*d*, 7.14(5,8,9,14,20), *see also Youth Programs below*

Leaves, *see ADMINISTRATIVE SERVICES DEPARTMENT (DAS); PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS); REGENTS BOARD*
Migrants **641**—73.15, ch 81; **871**—ch 13; **877**—8.3, 8.6(4)
Minorities **871**—ch 13, *see also DISCRIMINATION*
Minors **875**—ch 32, 216.33(6); **877**—8.6, *see also Youth Programs below*
Non-English-speaking **875**—ch 160
Offenders
Community programs **201**—20.17(2,4–8)
Former **701**—40.21, 53.11, 59.8; **871**—ch 13, *see also Employers: Corrections Department Offenders, Placement above*
Wages **871**—23.3(2)*k*

PROMISE JOBS, *see WORK AND TRAINING PROGRAMS*
Public assistance recipients, income limits **441**—75.57
Refugees **441**—60.8, 61.5(1,11); **871**—ch 13, *see also Job Training Programs above*
Regents board **681**—chs 3, 7, 8.6(4), 8.7, 11.1(4), 12.10, 12.11, *see also REGENTS BOARD*
Retirement, *see RETIREMENT*
Self-employment
Entrepreneurs with disabilities program **281**—56.37–56.41
Income, food assistance eligibility **441**—65.29
IPERS exemption, *see PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*
Loan program **261**—51.1

Servants **871**—23.25
Services, supported **441**—78.41(7), 78.43(4), 79.1(2) p.6,7, 79.1(15), 83.66
Students **261**—chs 11, 20, 104; **281**—chs 48, 66; **283**—ch 18; **871**—23.20, 23.21, 23.25, 24.2(1)*c*(2), 24.22(2)*f*, 24.53; **875**—216.30; **877**—10.2, 10.3, *see also Youth Programs below*
Training, *see Job Training Programs above; WORK AND TRAINING PROGRAMS*
Unemployment compensation
Administration **11**—1.4(2)*a*; **871**—ch 21, 23.1(18), 23.13(2)*c*, 23.71(3)*b*(1,2), 23.82(3)
Appeals/hearings, *see EMPLOYMENT APPEAL BOARD; WORKFORCE DEVELOPMENT DEPARTMENT*
Back pay **871**—23.4, 23.44(2), 25.7(6)*f*, 25.15
Benefits
See Employers, Contributions: Benefits, Charges this subheading below
Aid to dependent children recipients, *see FAMILY INVESTMENT PROGRAM (FIP): Employment Programs*
Aliens **871**—21.1(1)*e*, 24.60, 25.3(1)*i*
Athletes **871**—24.57
Child support offset **441**—95.8; **871**—21.1(1)*b*, 24.59

EMPLOYMENT (cont'd)
Unemployment compensation
Benefits

City employees **545**—ch 4
Claims
Backdated **871**—24.2(1)*h*(2)
Bureau **871**—21.1(1)*a*
Cancellation **871**—24.2(4)
Deceased **871**—25.14
Definitions **871**—24.1(25,26,28), 25.1
Denial **871**—23.38
Federal employees, civilian/ex-military **871**—24.1(25,49), 24.48, 24.49
Filing **871**—24.2, 24.4, 24.8, 24.19(3), 24.35, 24.37, 24.52
Forms **871**—24.2, 24.3, 24.5, 24.7(5), 24.8, 24.9(2)*a*, 24.11, 24.13(1), 24.17, 24.42, 24.52(1), 25.12, 25.13(3); **877**—28.1
Fraud **871**—21.1(1)*d*,*e*, 24.2(1)*c*(2), 24.2(1)*g*(4), 24.10(4), 24.23(39), ch 25
Interstate **871**—23.43(9), 24.1(25)*b*(3,10,11,15), 24.1(64,66), 24.2(1)*h*, 24.2(3), 24.4(2), 24.11(2)*a*, 24.36, 24.37
Intrastate **871**—24.1(25)*b*(12,16), 24.2(2), 24.4(1), 24.11(2)*a*, 24.11(4)*a*
Notice, employer **871**—24.7, 24.8, 24.52(1)
Partial **871**—24.2(1)*i*, 24.2(2)*e*, 24.22(3)*f*
Protest **871**—21.1(1)*a*(1), 24.52
Subsequent year **871**—24.31
Wage, combined **871**—21.1(1)*a*(2), 23.43(9), 24.38

Deductions **871**—23.43(4), 24.13, 25.15
Definitions **871**—23.1, 23.71, 24.1, 24.5, 24.51, 25.1
Determination **871**—24.1(38), 24.7, 24.8(3,4), 24.9, 24.19, *see also Employers, Contributions: Employee Determination this subheading below*
Disability **871**—24.2(1)*g*, 24.7(2), 24.13(3)*d*, 24.13(4)*i*,*j*, 24.24(16), *see also Illness/Injury this subheading below*
Disaster **871**—24.47
Discharges **871**—24.32
Disqualification **871**—24.1(39), 24.2(1)*k*, 24.22(3)*d*, 24.23, 24.24, 24.32
Earnings, limitations **871**—24.1(41,86,91), 24.18
Eligibility **871**—21.1(1)*a*,*b*, 23.43, 24.1(42), 24.2(2)*b*,*c*, 24.11, 24.22–24.24, 24.28, 24.31, 24.32, 24.46(4)*c*, 24.46(5), 24.47, 24.50
Employer
Information **871**—24.1(67), 24.8
Reimbursable, *see Employers, Contributions: Reimbursements this subheading below*

Extensions **871**—23.10(1), 23.43(11), 23.51, 24.1(18), 24.22(3)*c*, 24.37(2), 24.46, 24.50
Fraud, *see Claims this subheading above*
Illness/injury
Generally **871**—24.23(2,6,34,35), 24.24(4)
Crime victims **61**—9.35(10)*d*,*e*
Job-related **871**—24.26(6)
Physician advice/certification **871**—24.25(35), 24.26(6)

Interviews **871**—24.1(43,48), 24.4, 24.10, 24.19(2), 25.12(2)
Layoffs, *see Separation this subheading below*
Leaves, *see Vacations/Leaves this subheading below*
Notification, employee **871**—22.14
Overpayment **871**—21.1(1)*a*–*c*,*e*, 23.37, 23.43(3)*b*(3), 23.44, 23.53(1)*b*, 24.50, 25.1, 25.7, 25.8, 25.10, 25.12, 25.16
Partial **871**—24.1(90), 24.2(1)*i*, 24.2(2)*e*, 24.22(3)*f*(4)
Pregnancy **871**—24.11(4)*e*, 24.25(35), 24.26(5,6)
Quits, *see Separation this subheading below*

EMPLOYMENT (cont'd)
Unemployment compensation
Benefits

Reemployment **871**—24.6
Resignations (voluntary quit) **871**—24.25, 24.28, 24.34(10), *see also Separation this subheading below*
Rights, employee **871**—22.14
Schools **871**—23.27(7), 24.51–24.54, *see also Teachers this subheading below*
Separation **871**—23.13(5)*b*, 23.43(5,14), 24.1(73,74,85,113), 24.5, 24.6, 24.8, 24.16(3), 24.23(33), 24.25–24.29, 24.32(9), *see also Vacations/Leaves this subheading below*
Supplemental **871**—23.3(2)*e*
Taxation **701**—40.15"3"; **871**—21.1(1)*b–d*

Teachers
Generally **871**—24.51(3), 24.52
Substitute **871**—24.22(2)*i*, 24.26(19,22), 24.52(10)

Temporary assignments **871**—24.26(19)
Terminations, *see Separation this subheading above*
Trade Act of 1974 **871**—24.45
Union members **871**—24.22(3)*c*, 24.34
Vacations/leaves **871**—24.5(2)*h*, 24.13(2,3), 24.13(4)*d,h*, 24.16, 24.17, 24.22(2)*j*, 24.23(10), 24.31(2), 24.51(8), 24.52(9), 24.53(8)
Veterans **871**—24.11(1)*b*, 24.13(4)*i*, 24.23(24), 24.49
Warrants **871**—25.13, 25.14(3)
Working conditions **871**—24.25(34), 24.26(2–4)
Year, establishment **871**—24.1(20,21), 24.2(1)*h*, 24.31

Contributions, *see Employers, Contributions this subheading below*
Corporations, officers **871**—22.3(5)*d*(2), 23.3(2)*f*, 23.3(3), 23.18(2), 24.22(2)*n*
Disputes
Assessments, payment **871**—23.54, 23.60
Labor **871**—24.33, 24.34
Representatives **871**—22.18

Division, bureaus **871**—21.1
Employers, contributions
Accounts
Certification, 940 **871**—22.15
Closings, businesses **871**—24.29
Credit **871**—25.13(5)
Definitions **871**—23.1(1)
Group **871**—23.17
Sales/transfers, businesses **871**—23.32, 23.43(14), 23.70(13), 23.72(7), 24.26(28)
Separate **871**—22.11–22.13, 23.70(11)*b*
Social security numbers **871**—23.11
Termination **871**—22.6, 23.46–23.48

Agriculture, labor **871**—23.26, 23.46(3)
Assessments/liens, *see Delinquencies this subheading below*
Audits **871**—21.1(1)*d*
Bankruptcy/foreclosure **871**—23.28(7)*d*
Benefits, charges **871**—23.1(1)*d*, 23.7, 23.10, 23.17(11), 23.18, 23.30, 23.31, 23.37, 23.40, 23.41, 23.43, 23.44, 23.52, 23.53, 23.70, 23.72(6), 24.26(28), 24.27, 25.7(6)*f*, *see also Liability this subheading below; Rates this subheading below*
Cafeteria plans **871**—23.3(3)*d*
Churches/religious organizations **871**—23.27
Closings **871**—24.29
Construction **871**—23.7(3,7), 23.82
Contractors **871**—23.18(1), 23.19, 23.22, 23.82

EMPLOYMENT (cont'd)
Unemployment compensation
Employers, contributions

Dates, due **871**—22.16, 23.8, 23.9, 23.47(4), 23.73
Definitions **871**—23.1, 23.71
Delinquencies **871**—21.1(1)*c*,*d*, 22.17(5)*d*, 23.8(6,7), 23.9, 23.10(2)*c*, 23.17(3), 23.59–23.61, 23.65–23.67, 23.69, 23.73
Elective **871**—23.14, 23.70(1,2), 23.72
Employee determination **871**—22.3(5)*c*, 22.7, 22.8, 23.18, 23.19
Exemptions **871**—22.7, 23.3(2), 23.18, 23.20, 23.25–23.27, 23.71(3)
Forms **871**—23.9, 23.13, 23.17, 23.29, 23.31, 23.54, 23.65(10); **877**—28.1
Governmental entity **871**—23.3(2)*g*, 23.17(2,9,11,15), 23.43(13), 23.71–23.73
Informal settlement **871**—23.56
Injunctions **871**—22.17(6), 23.69
Interstate workers, *see Reciprocal Coverage Arrangement, Interstate this subheading below*
Liability **871**—21.1(1)*d*, 22.8(3), 22.9, 22.17, 23.17(12,13), 23.22, 23.23, 23.28(4–6), 23.30, 23.31(1,5), 23.43(8,9), 23.46, 23.47, 23.52, 23.54(2), 23.55, 23.56, 23.60, 23.70, 23.72(7), 26.5, *see also Ownership Change this subheading below*
Liens **871**—23.65, 23.66
Limited liability companies **871**—23.3(2)*j*, 23.18(9)
Location, multiple **871**—22.13, 23.13, 23.24
Nonprofit organizations **871**—23.17(2,15), 23.27(3), 23.70
Ownership change **871**—22.6, 23.17(15), 23.28–23.32, 23.36, 23.72(7)
Partnerships **871**—22.10, 23.3(2)*h*, 23.18(7)
Penalty/interest **871**—23.8(6,8), 23.30, 23.32, 23.57, 23.59–23.66, 23.67(4), 23.69, 23.73, 24.1(51)*c*
Rates **871**—21.1(1)*c*, 23.1(7), 23.6, 23.7, 23.29(2), 23.31(4), 23.32(1)*d*, 23.32(3)*a*, 23.32(4), 23.36, 23.40, 23.41, 23.43, 23.47(4), 23.52, 23.53, 23.70(11), 23.72(6), 26.5(2)
Reciprocal coverage arrangement, interstate **871**—23.13, 23.43(9), 24.1(64)
Refunds/credits **871**—23.4, 23.37, 23.38, 23.44(3), 23.64
Reimbursements **871**—23.10, 23.17(1,10,13,15), 23.30, 23.43(4,7–9,11), 23.44(3), 23.48, 23.51, 23.70, 23.72(1)
Reports, *see Records/Reports this subheading below*
Schools/colleges **871**—23.27(7)
Students **871**—23.20, 23.21, 23.25(7)
Surcharge **871**—23.40(2,3)
Terminations/transfers, *see subheadings Accounts above; Benefits: Separation above*
Voluntary coverage **871**—23.8(4), 23.14

Exemptions **871**—23.3(2), 23.18, 23.20, 23.25–23.27, 23.71(3), 24.13, 24.54
Fraud **871**—21.1(1)*d,e*
Lockouts **871**—24.34(8)
Military **871**—23.3(2)*c*, 24.1(113)*d*, 24.13(4)*h*, 24.25(8), 24.26(25), *see also Benefits: Veterans this subheading above*
Records/reports
Generally, public/fair information **871**—ch 42; **877**—ch 25, *see also WORKFORCE DEVELOPMENT BOARD/ CENTER ADMINISTRATION DIVISION; WORKFORCE DEVELOPMENT DEPARTMENT*
Bureau, tax **871**—21.1(1)*c*
Definitions **871**—23.1(16,25,30,31)
Due date/delinquency **871**—22.16, 22.17(5)*d*, 23.8, 23.9, 23.60–23.62
Employers
Generally **871**—chs 11, 22, 23.1(30,31)
Audits **871**—21.1(1)*d*, 22.17
Contributions **871**—21.1(1)*d*, 22.3–22.5, 22.16, 22.17(5)*d*, 23.8, 23.11, 23.37, 23.54, 23.55, 23.57, 23.59, 23.62
Errors **871**—23.57, 23.59
Forms **871**—12.1(1)*b*,*c*, ch 22, 23.54; **877**—28.1

Quality control bureau **871**—21.1(1)*f*

Research bureau duties **871**—10.2
Students **871**—23.20, 23.21, 23.25(7), 24.2(1)*c*(2), 24.22(2)*f*
Tax Act **871**—23.1(14–16), 23.3(2)*f*, 23.6
Taxation, *see Benefits this subheading above*
Tips **871**—23.5, 24.13(2)*g*
Training **871**—23.43(7), 24.39, *see also WORK AND TRAINING PROGRAMS*
Trust fund **871**—23.1(18), 23.42
Wages **871**—22.3, 23.1(30,31), 23.2–23.7, 23.13(2)*f*, 23.20, 23.21, 23.30, 23.31(2,3), 23.36, 23.37, 23.43, 23.46(3,4), 23.47, 23.55, 23.59(2), 23.60, 23.62(2), 23.70, 24.1, 24.8, 24.13, 24.16–24.18, 24.24, 24.27, 24.31, 24.36, 24.38, 24.52, 24.53
Workforce development, services division **871**—1.1(9)

Veterans, *see MILITARY*
Wages, minimum, *see LABOR SERVICES DIVISION*
Women, *see DISCRIMINATION; SMALL BUSINESS; WOMEN*
Workers' compensation **11**—64.4; **191**—chs 56, 57; **545**—4.1; **681**—3.151; **871**—24.7, 24.13(3)*d*, 24.13(4)*i*; **876**—chs 1–11, *see also WORKERS' COMPENSATION*
Youth programs **877**—8.6, ch 10, 15.5, 15.7(1), 15.9, *see also Job Training Programs above; Students above*

EMPLOYMENT AGENCIES
Authority **875**—1.3
Definitions **875**—38.1
Discrimination **161**—8.2, 8.65
Fees **875**—38.8
License **875**—1.23(16), 38.2–38.5
Placement procedures **875**—38.6, 38.8
Records/reports **875**—1.23(16)
Tests **161**—8.2

EMPLOYMENT APPEAL BOARD
Address **486**—1.2(3)
Administrative services department disputes **11**—53.4(7)*a*, 54.2(6)*j*, 61.2; **486**—ch 5
Appeals/hearings
Contractors, construction **486**—ch 7
Labor services disputes **486**—chs 4, 7; **875**—3.13(4), 5.4
Occupational safety/health **486**—ch 4
Peace officers **486**—ch 6
Public employees' retirement system (IPERS) **486**—ch 9; **495**—26.28
Unemployment insurance **486**—ch 3

Definitions **486**—2.2
Jurisdiction **486**—1.2
Membership **481**—1.8
Organization **486**—ch 1
Records, *generally*, public/fair information **486**—ch 8

EMPLOYMENT SECURITY (JOB SERVICE)
See WORKFORCE DEVELOPMENT BOARD/CENTER ADMINISTRATION DIVISION; WORKFORCE DEVELOPMENT DEPARTMENT

EMPLOYMENT SERVICES DEPARTMENT
See WORKFORCE DEVELOPMENT DEPARTMENT

EMPOWERMENT BOARD, IOWA
Community empowerment areas
Advisory council **349**—1.6(3), 1.8(2)*b*(4)
Assistance, technical **349**—1.5(3)*b*,*c*, 1.5(4)
Boards **349**—1.7, 1.8
Funds, *see Funds below*
Purpose **349**—1.7(2)
Reports **349**—1.6(3)*d*(4), 1.8(2)*a*(8)

Duties **349**—1.6(3)
Funds **281**—ch 120; **349**—1.8(2)*a*(3–5,8), 1.8(2)*b*(1,3,5), 1.9, 1.10
Meetings **349**—1.6(2)*b*
Membership **349**—1.6(1)
Report, annual **349**—1.5(3)*g*

ENERGY
See also ELECTRICITY/STEAM; ELECTRIC UTILITIES; ENERGY AND GEOLOGICAL RESOURCES DIVISION; ENERGY INDEPENDENCE OFFICE; FUEL; GAS; GAS UTILITIES
Alternative industry, value-added agriculture, funding **261**—57.4(3)
Audits, institutions, mandated/eligible **565**—6.2, 6.3, 6.6(3)
Conservation measures, building code **661**—ch 303
Conversion, property, taxation
See also Wind/Renewable Energy Production, Taxation below
Methane gas **701**—80.12
Wind **701**—18.56, 80.13

Efficiency planning/cost review **199**—chs 35, 36
Fund, Iowa power **350**—ch 4
Iowa energy center/global warming center, funding **199**—17.7
Low-income assistance
Generally **199**—19.4(15)*d*(3)"3," 19.4(15)*d*(9), 19.4(15)*g*, 19.4(17), 20.4(15)*d*(3)"3," 20.4(15)*d*(10), 20.4(15)*g*, 20.4(17), 20.15; **427**—chs 5, 10, 11, 23.5(6)*b*
Eligibility **427**—10.2, 10.5, 10.6, 11.3; **441**—58.24(1)
Hearings **427**—10.15
Information **427**—10.16

Solar, electrical production facilities **199**—ch 15
Weatherization assistance **199**—19.4(15)*d*(9), 19.4(17), 20.4(15)*d*(10), 20.4(17), 20.15; **427**—ch 5, 10.2(5)
Wind/renewable energy production
Taxation
Credits **199**—15.18–15.21; **261**—59.6(3)*d*, 68.4(6)*g*, 68.4(7); **701**—42.2(11)*e*, 42.23"13,14," 42.25, 42.26, 42.27(1), 52.12"8,9," 52.14(3), 52.26, 52.27, 52.28(1), 58.15, 58.16, 70.12, 80.13
Exemptions **701**—18.56, 230.7

Training, college fund **261**—9.5, 9.6, 9.9(2)*e*

ENERGY AND GEOLOGICAL RESOURCES DIVISION
Conservation/management, energy programs
Building energy management **565**—ch 6
Emergency measures **565**—ch 13
Grants **565**—ch 18
Institutions, educational/governmental/health care **565**—ch 6

Director **565**—3.3, 3.12, 3.14–3.17, 3.23, ch 5, 13.2
Emergencies/fuel shortages
Franchises, fuel purchase **565**—ch 5
Set-aside program **565**—ch 3, *see also Set-Aside Program (Petroleum) below*
Standby conservation measures **565**—ch 13

Information
Confidential **565**—1.2, 3.36
Public **565**—13.4

Natural resources department authority **561**—1.2(3,7), 1.3(2)*f*; **565**—18.1
Oil/gas/metallic mineral production **565**—ch 51, *see also WELLS*
Organization **565**—ch 1
Petroleum
See also Set-Aside Program (Petroleum) below
Franchisees **565**—ch 5

Records, public **565**—1.2
Set-aside program (petroleum) **565**—ch 3

ENERGY INDEPENDENCE OFFICE
Address **350**—2.3, 55.3(1)
Board, Iowa power fund **350**—3.1, 3.2(1), 3.3, 3.4, 4.3
Committee, due diligence **350**—3.1, 3.2(2), 3.3, 3.4
Declaratory orders **350**—ch 54
Definitions **350**—1.1
Financial assistance **350**—ch 4
Organization **350**—ch 2
Records **350**—ch 51
Rule making **350**—ch 55

ENGINEERING AND LAND SURVEYING
See also PROFESSIONAL LICENSING AND REGULATION BUREAU
Advertising **193C**—8.5(1)
Child support noncompliance **193**—7.43, ch 8
Conduct, *see Ethics below*
Conflicts of interest **193**—ch 11; **193C**—8.2(4)
Continuing education **193C**—3.4(9), 3.5(1,2,4), ch 7
Contracts/negotiations **761**—20.8
Counties, engineers **761**—131.1(2), chs 172, 173
Definitions **193C**—1.2(3), 7.2, 8.5(2), 11.2
Disputes/malpractice claims **193C**—9.7
Documents, seal/certificate of responsibility **193C**—ch 6, 12.2(3)*d*
Education, *see Licensure below*
Ethics **193C**—8.2, 9.3
Examinations, *see Licensure below*
Examiners board
Address **193C**—1.1(1)
Appointment **193**—1.4(1)
Complaints/investigations **193**—13.17(5); **193C**—9.1, 9.2, 9.8, ch 10
Confidentiality **193C**—10.3
Declaratory orders **193C**—1.3
Discipline **193**—13.17(5); **193C**—3.4(5,8), 8.5(8,9), ch 9, 10.2(3)
Hearings **193C**—4.1(9)*b*, 5.1(9)*b*, ch 13
Informal settlement **193C**—9.2(3)

Meetings **193C**—1.1(2), 1.4(2)*b*,*c*
Membership **193**—1.4(1)
Peer review committee **193C**—9.7, ch 10
Purchasing **541**—ch 10, *see also ADMINISTRATIVE SERVICES DEPARTMENT (DAS)*
Records, public/fair information **193**—ch 13
Waivers **193C**—1.4, 7.7

Fees **193C**—ch 2
Firms, employees/management **193C**—8.5
Internships **193C**—1.2, 2.1, 4.1(7)*a*,*d*
Licensure
Aliens, legal presence **193**—ch 4
Branches **193C**—3.1(2), 7.5(3)
Comity **193C**—3.3, 4.2, 5.2
Denial **193**—ch 8; **193C**—3.4(8); **283**—37.1
Education/experience requirements **193C**—4.1(1,6,7), 4.2(4), 5.1(1,5,7), 5.2(4)
Examinations **193**—ch 4; **193C**—1.1(3), ch 2, 3.2, 4.1(8,9), 4.3, 5.1(2,8,9)
Fees **193C**—ch 2, 4.1(8), 5.1(8)
Inactive **193C**—3.4(11), 3.5(3,4), 7.5
Joint **193C**—4.1(7)*g*, 5.1(7)*e*
Lapsed **193C**—3.5
Reinstatement/renewal **193**—ch 8, 13.17(3); **193C**—ch 2, 3.4, 3.5, 7.3(3), 7.5, 7.8; **283**—37.1
Suspension/revocation/probation **193C**—9.3, 9.6

Loans, student, noncompliance **193**—7.44, ch 8; **283**—ch 37
Penalties, civil
Licensees **193C**—9.5
Nonlicensees **193C**—8.5(9), ch 13

Permits, temporary **193C**—3.3(4)
Records/reports **193C**—7.8, 8.2(3), 9.3(4), 9.6, 12.2(4), *see also Examiners Board above*
Seal, *see Documents, Seal/Certificate of Responsibility above*
Services, state agencies procurement policies **11**—105.9, 105.14(3)*d*
Surveys
Property **193C**—ch 11
Public land, corner certificates **193C**—ch 12

Violations **193C**—4.1(9), 5.1(9), 8.5(9), 9.3, *see also Penalties, Civil above*

ENTERTAINMENT
See AMUSEMENTS; ATHLETICS

ENTOMOLOGIST
Generally **21**—ch 46

ENVIRONMENTAL PROTECTION COMMISSION
See also WASTE; WATER; WELLS
Air quality
Anaerobic lagoons **567**—20.2, 22.1–22.3, 23.5, *see also Anaerobic Lagoons below*
Clean Air Act **567**—20.2, 22.5(1), 22.5(4)*g*, 22.6, 22.7(2), 22.100, 22.105–22.112, 22.120, 22.131, 22.134, 22.139, 22.140, 22.201(2), 23.1(4), 23.1(5)*b*(11), 33.1, 33.3(1), 33.11
Clean Air Interstate Rule (CAIR) **567**—21.1(4), 22.105(1)*a*(10–12), ch 34
Clean Air Mercury Rule (CAMR) **567**—23.1(2,5), 25.3, ch 34
Control programs, local, certification **567**—ch 27
Definitions **567**—20.2, 22.5(1), 22.8(1)*a*, 22.9(1), 22.100, 22.120, 22.121, 22.200, 22.300(1), 23.1(5), 32.2, 33.3(1)

Emergencies **567**—20.2, 20.3(3), 21.6, 22.108(16), 22.114(3), 22.206(2)*f*, ch 26
Emissions
Abatement, *see Reductions this subheading below*
Acid rain, sources/units
Applicability **567**—22.122
Definitions **567**—22.120
Exemptions **567**—22.123
Monitoring **567**—22.125(2), 22.139(1), 25.2
Permits **567**—22.105(1,2,4,9), 22.106(4), 22.120, 22.125, 22.128–22.131, 22.133–22.145
Records/reports **567**—22.125(6), 22.139(4)
Representatives, designated, submissions **567**—22.15(5), 22.120, 22.126–22.128, 22.131(4), 22.138(4), 22.139(4)*e*, 22.146
Alternative control program **567**—22.7, 22.108(1)*d*, 22.125(4), 23.6, 25.1(12)
BACT (best available control technology) **567**—33.3(1)
BART (best available retrofit technology) **567**—22.9
Compliance **561**—1.3(2)*g*(2)"4"; **567**—ch 21, 22.5(6,7), 22.5(9)*a*, 22.7(1), 22.7(2)*e*, 22.8, 22.105(2,3), 22.108(1)*d*, 22.108(15,18,19), 22.109(4)*b*,*c*, 22.125, 22.129(3), 22.130, 22.131, 22.134, 22.146, 22.206, 22.300(7)*a*, 22.300(9), 23.1(4)*d*, 23.1(5)*a*(6), 24.1(5), 25.1(7,9), 34.205(3)
De minimus **567**—22.300(4)
Equipment **567**—11.6(3), 20.2, 20.3(1), chs 21–25, 27.3(3)*d*
Excess **567**—20.2, 22.125(5), 22.206(2)*f*, 22.300(6)*b*, ch 24, 25.1(6), *see also Emergencies this subheading above*
Exemptions **567**—22.1(2), 22.102, 22.122, 22.123, 23.2(3,4), 33.3(9)
Feedlots **567**—ch 32
Fees **567**—22.103, 22.106, 22.108(10), 22.109(4), 22.115(1)*d*, 22.204
Fuels
Alternative **567**—21.2(3)
Credits **567**—22.5(4)*f*
Heating **567**—23.3(2)*b*
Motor, *see Vehicles, Motor this subheading below*
Sulfur dioxide **567**—23.3(3)
Fugitive **567**—11.6(3)*a*, 20.2, 22.1(2)*f*, 22.5(1)*j*, 22.5(4)*e*, 22.10(2)c, 22.100, 22.108(1)*e*, 22.201, 22.206(2)*a*, 22.300(8)*b*(3)"5," 23.3(2)*c*, 33.3(1)
Grain elevators/feed mill equipment **567**—20.2, 22.10, 22.100
Hazardous
Alternate control program **567**—22.7(2)*d*
Definitions **567**—22.100
Permits **567**—22.1(1)*b*, 22.1(2)*i*,*kk*,*ll*, 22.1(3), 22.3(6), 22.105(3), 22.107(5), 22.201(1)*c*,*d*, 22.201(2)*b*
Small sources **567**—22.300(6)
Standards **567**—21.2(4)*c*, 22.1(2), 22.1(2)*w*, 22.5(6)*c*, 22.102(3), 22.105(3), 22.201(2), 23.1(1,3,4), 23.2(3)*g*,*i*,*j*, 137.6(9)
Haze **567**—22.9
Hearings/appeals **567**—11.4, 11.5, 21.2(4)*b*, 21.3(2)*b*, 22.2(2), 22.107(6), 22.135, 22.139, 22.205(1)*b*(1,3), 23.1(6)*a*(3), 26.3(1)*c*, 27.2(2), 33.3(17)*b*(5), 34.205(3), *see also Contested Cases below*
Incinerators **567**—20.2, 23.1(5)*b*, 23.4(12), *see also Solid Waste Management/Disposal below*
LAER (lowest achievable emissions rate) **567**—33.3(1)
Maximum achievable control technology (MACT) **567**—20.2, 22.1(3)*b*(8), 22.100, 22.107(3), 22.300(2)*b*, 23.1(4)*b*,*m*,*o*,*t*,*u*,*y*,*ad*,*ai*,*ak*,*ay*,*bj*
Mercury **567**—22.3(5), *see also Clean Air Mercury Rule (CAMR) this subheading above*
Monitoring **567**—22.1(4)*b*(1), 22.3(3), 22.5(9)*a*, 22.105(2)*c*(6), 22.105(2)*i*, 22.108(3–5,15), 22.109(4)*d*,*e*, 22.111(1)*c*, 22.125(2), 22.125(6)*a*(2), 22.139(1,4), 22.206(1)*d*, 22.206(2)*c*, 22.211(1)*c*, ch 25, 27.5, ch 32, 33.3(1)p.5, 33.3(18)*f*(4)"1," *see also Tests this subheading below*
Nonattainment areas **567**—22.3(3)*f*, 22.5, 22.6, 22.100, ch 31, 33.3(1)

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Air quality
Emissions

Observation, opacity **567**—ch 29
Offsets **567**—22.5(2–5)
Ozone, major stationary source **567**—22.5(1)*a*(3,4), 22.100 , *see also Trading Programs this subheading below*
PALS (plantwide applicability limitations) **567**—33.1(1), 33.3(2)*i*, 33.3(18)*f*, 33.9
Phosphate processing **567**—23.4(10)
Pollution control property, *see Pollution Control Property, Taxation Certification below*
Records/reports **567**—20.3, 21.1(3,5,6), 21.3(3), 22.1(2), 22.1(2)*w*(3)"3,6,7," 22.1(2)*cc*,*dd*,*ff*,*kk*, 22.5(9)*a*, 22.8(1)*b*,*c*, 22.107(4), 22.108(4,5,15), 22.109(4), 22.110(2), 22.125(6), 22.125(7)*b*, 22.139(4), 22.146, 22.203(1)*d*, 22.206(1)*d*,*m*, 22.300(4,7,8), 23.1(5)*a*(5), 23.1(5)*b*(10,11), 24.1(2,3), 25.1, 27.3(4)*c*, 33.3(18)*f*, *see also Monitoring this subheading above*
Reductions
Credit **567**—22.1(2)*g*, 22.5(4)*g*,*i*
Early **567**—22.105(3), 22.107(5), 22.108(1)*d*
Programs/plans **567**—20.3(3), 21.3
Secondary **567**—20.2, 33.3(1)
Smokereaders **567**—ch 29
Standards, contaminants
See also Clean Air Act this subheading above
Generally **567**—20.2, ch 21, 22.1(2), 22.3(1)*b*, 22.3(3)*f*, 22.3(5), 22.5(5–7), 22.100, 22.201(2), chs 23–25, 27.3(3), chs 28, 31–33
Ambient **567**—20.2, 22.1(1)*c*(2), 22.1(2)*i*, 22.3(1)*b*, 22.3(3)*f*, 22.3(5), 22.5(3,5), 22.6, 22.7(2)*a*, 22.109(9), 22.125(8), 22.300(2), 23.1(6), 23.2(2), 27.3(3)*c*(2), 27.5(1), ch 28, 33.1, 33.3(3,4,20), 137.5(7), 137.6(9)
Hazardous, *see Hazardous this subheading above*
Tests **567**—21.2(3), 21.5, 23.1(5)*a*(4), 23.1(5)*b*(3), ch 25, 27.3(2)*d*, 33.3(2)*e*,*f*,*h*, 33.3(18)*f*(1)"3," 33.3(18)*f*(4)"3"
Trading programs **567**—ch 34
Variances **567**—20.2, 21.2, 23.2(2)
Vehicles, motor **567**—20.3(5), 23.3(2)*d*
Violations/penalties **567**—10.2(4), 20.3(5), 21.4, 21.5, 22.1(1)*c*(2), 22.1(2)*i*, 22.1(2)*w*(4)"3," 22.3(1), 22.5(3)*a*(2), 22.108(9), 22.108(18)*c*(2), 22.109(9), 22.115(1)*e*, 22.125(3)*b*, 22.125(5,7), 22.140(2), 22.202, 22.203(2)*e*, 22.208(1)*c*, 22.300(10), 22.300(11)*a*(4), 23.1(5)*b*(8)"4,5", 27.3(4)*a*, *see also Excess this subheading above*
Forms **567**—20.3
NAAQS (National Ambient Air Quality Standard) **567**—23.2(2)
Natural resources department authority **561**—1.2(1), 1.3(2)*g*
NESHAP (National Emission Standard for Hazardous Air Pollutants) **567**—22.1(2), 23.2(3)*g*,*i*,*j*
Odor **567**—22.3(2), ch 32
Open burning **567**— 20.2, 23.2, 27.3(3)*c*, 102.13(1), 113.8(1)*c*
Permits **567**—20.1, 20.3(1), 21.2(3)*a*, ch 22, 27.3(3)*d*, 31.1, ch 33, 34.203, 34.223, 34.303, *see also Permits below*
PSD (Prevention of Significant Deterioration) program **567**—ch 33

Anaerobic lagoons **567**—49.6(2), *see also Air Quality above; Permits below*
Animal feeding, *see Feeding Operations, Animal below*
Attorney general referral/representation **61**—1.3(2)*a*; **567**—10.2(7)
Audits, environmental **567**—ch 12, 61.13
Beverage container deposits **567**—ch 107; **701**—17.17
Complaints/investigations **561**—1.3(2)*g*(3), ch 3; **567**—ch 3
Conflicts of interest **567**—1.11
Contested cases **567**—ch 7

Contracts
Redemption centers **567**—107.16(6)
Services/improvements **567**—ch 8
Waste disposal/reduction **567**—101.4, 101.5, 101.13(1)*b*, 209.15

Dams **567**—52.20, 70.2, 71.3, 72.3, ch 73, *see also DAMS*
Declaratory orders **567**—ch 6
Division **561**—1.3(2)*g*
Drinking water state revolving loan fund (DWSRF), *see Loans below*
Emissions, *see Air Quality above*
Feeding operations, animal **567**—22.1(3)*c*, 23.5(1), ch 32, 43.3(7) Table A, 52.21(2)*h*, 63.5, 64.16(3)*b*(4), 64.18, ch 65, 70.2, 71.13, 72.2(9), 72.3(5), 72.13, 90.2"10," 90.3(2), 91.9, *see also FLOOD CONTROL; LIVESTOCK*
Flood plains **561**—1.3(2)*g*(1)"2"; **567**—10.2(4), 51.2, chs 70–73, 75, 76, 100.2, 120.7(8), 122.12, *see also FLOOD CONTROL*
Grants
See also GRANTS
Redemption centers **567**—107.16
Waste collection
Alternative program **567**—ch 209
Hazardous household **567**—ch 211, 214.6(2)"4," 214.7
Tires **567**—ch 218

Water pollution control **567**—90.2, 92.4(6,7), 92.6(2)*f*, 93.4(1)

Groundwater
See also Water Quality: Supply below
Analyses **567**—43.3(7)*c*, 103.1(2)*f*, 103.1(4)*d*, 103.1(5)*e*, 133.3, 135.10(2), 135.15, 135.16, 135.19(2), 137.3(2)*c*(1), *see also Monitoring this subheading below*
Cleanup responsibilities **567**—ch 133, *see also Land Recycling Program below*
Definitions **567**—38.1, 39.3, 43.5(1)*b*, 133.2, 134.1
Feedlots
AT systems **567**—65.110(5)*a*, 65.110(6)*g*, 65.110(7)*g*
Manure storage construction **567**—65.15(7)

Grants, *see WELLS: Water: Private*
Heating/cooling systems **567**—51.5
Hydrogeology **567**—110.4–110.6, 113.6(3), 113.6(4)*o*
Lagoons/basins, construction **567**—65.15(7)
Landfills, separation distance **567**—113.6(2)*i*
Land recycling, *see Land Recycling Program below*
Monitoring
See also Solid Waste Management/Disposal: Landfills, Sanitary below
Feedlots **567**—65.15(7)*c*(1)"1," 65.15(7)*c*(2), 65.15(14)*c*(4), 65.104(9)*d*(3), 65.109(3)
Land recycling program **567**— 137.10(3)*b*, 137.10(5)*b*
Tanks, underground storage **567**—133.4(4), 135.5(4)*f*, 135.7(5)*d*(9), 135.8(4), 135.9(1), 135.9(12)*c*, 135.10(3)*c*,*g*,*i*,*k*–*n*, 135.12(3)*e*, 135.12(5)*c*, 135.12(6)*c*,*e*, 135.15(3)
Water supply, public **567**—41.2(1)*c*(1)"2,5," 41.3(1)*c*, 41.4(1)*d*, 41.4(1)*e*(5), 41.4(1)*f*(2), 41.5(1)*c*, 41.6(1)*a*(3), 41.11

Permits
Private wells, construction
Denial **567**—38.12
Exemption **567**—38.3(2)
Withdrawal/storage/diversion **561**—1.2(12); **567**—50.3, 50.5(2), 50.6(1), 50.7(2), 51.5, 51.7, chs 52, 53

Professionals
Certification **567**—134.1–134.5
Duties **567**—65.15(7)*c*, 135.6(3)*b*, 135.7(5), 135.8(2,5), 135.9(3)*h*, 135.9(7)*b*,*e*, 135.9(10)*c*, 135.9(11)*d*, 135.10(4)*e*, 135.11(2), 135.12(6)*d*, 135.12(9)*c*; **591**—11.3(1)
Hearings/appeals **567**—134.4(5)*d*, 134.4(6)

Protection
Hotline **567**—119.4(2)*d*(5), 119.7(1)
Sources, designation **567**—ch 53, *see also Permits: Withdrawal/Storage/Diversion this subheading above*
Tonnage fees **567**—101.7(3), 101.12(3)*b*, 101.13(8)*d*, 101.14

Sanitary landfills, *see Solid Waste Management/Disposal: Landfills, Sanitary below*
Tanks, underground storage **567**—ch 133, 135.5(4)*f*, 135.8, 135.9, 135.10(2–4), 135.12(5)*c*, 135.15(3), 135.19; **591**—11.2(4), 11.3(1), 11.3(8)*c*, 11.3(9), *see also Analyses this subheading above; Monitoring this subheading above; Professionals this subheading above*

Wastes
Hazardous household **567**—144.4(1), 144.5(2)
Oil **567**—119.7(1)

Wastewater treatment **567**—69.3(2), 69.9(1), 69.12(1)*b*,*c*
Wells, *see WELLS*
Withdrawal, *see Permits this subheading above*

Hazardous materials **567**—22.3(6), 22.105(3), 22.107(5), 22.201(1)*c*,*d*, 23.1(3,4), 23.2(3)*j*(7), 131.1, ch 133, 135.2, 135.5(3), 135.6, 135.7, 135.16, chs 137, 144, 214, *see also Air Quality: Emissions above*
Hazardous waste
See also Solid Waste Management/Disposal below; WASTE
Generally **561**—1.3(1); **567**—113.8(1), ch 113 Appendix II, 140.1, 141.15
Air pollutants, *see Air Quality: Emissions above*
Appliance disposal **567**—23.2(3)*j*(7), 113.8(1)*b*(5), ch 118
Definitions **567**—113.8(1), 123.2, 131.1, 141.1(1), 144.2, 148.2, 150.2, 151.2, 211.2, 214.3
Fees, *see Storage/Disposal/Treatment/Transportation this subheading below*
Hearings/appeals **567**—141.13, 150.7, 150.9, 150.10
Household (HHM), disposal **567**—101.13(1)*h*(1)"5," 101.13(2)*g*(1)"5," 113.8(1)*b*(3)"*i*," chs 123, 144, 211, 214
Liquids **567**—113.8(1)*b*(3)
Mercury **567**—113.7(5)*a*(2)"4" Table 1, 118.1, 118.3, 118.10, 118.12–118.14, 122.2(2), 122.3, 122.16, 122.18, 122.20(2), 122.24(1)*b*(7)
Natural resources department authority **561**—1.2(8), 1.3(2)*i*; **567**—140.1, 211.3, 211.4, ch 214; **571**—33.7
Notification **567**—118.12(3), ch 131, 140.1, 140.3, 141.12, 141.13(9–13,15), 150.5(3), 150.6
Oil, waste **567**—23.1(4)*ad*, 113.8(1)*b*(15), chs 119, 135 Appendix B p. 81,82, 140.7, *see also Household (HHM), Disposal this subheading above*
Paint/lacquers/thinners **567**—144.3(2), *see also Household (HHM), Disposal this subheading above*
PCBs, *see Solid Waste Management/Disposal below*
Storage/disposal/treatment/transportation
Construction, *see Sites this subheading below*
Emission standards **567**—23.1(4)*ad*
Fees **567**—140.6, ch 149, 150.3(3)
Forms **567**—118.11(5)*c*, ch 140, 141.12(4), 149.5, 149.7(3), 150.3(3)
Household, *see Household (HHM), Disposal this subheading above*
Permits **567**—123.1–123.5, 140.4, 140.5, 141.13, 141.14, 141.16
Prohibitions **567**—109.5(2), 109.10(1), 141.7
Radioactive **567**—109.10(1), 113.8(1)*b*(6), chs 131, 152
Records/reports **567**—118.11(4)*i*, 118.11(5)*c*, 131.2, 141.3, 148.6, 148.7, 149.7

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Hazardous waste
Storage/disposal/treatment/transportation

Sites
License **561**—1.2(8); **567**—140.1, 150.3, 150.8–150.11
Registry **561**—1.2(8); **567**—ch 148
Selection/construction **567**—140.1, chs 150–152

Standards, federal **567**—ch 141, 149.6, *see also Air Quality: Emissions above*

Violations/penalties **567**—10.2(4), 149.8, 150.11

Hearings/appeals
See also Air Quality above; Groundwater: Professionals above; Hazardous Waste above; Tanks, Underground Storage (UST) below; Wastewater Treatment/Disposal below; Water Quality below; FLOOD CONTROL: Flood Plains: Projects; LIVESTOCK: Feedlots
Laboratories, certification **567**—83.7(4)*c*(1), 83.7(6)*c*
Landfills, sanitary
Operator discipline, *see Solid Waste Management/Disposal below*
Permits **567**—113.4(12)*f–h*

Lagoons, *see Air Quality: Anaerobic Lagoons above*
Landfarms, *see Solid Waste Management /Disposal below*
Landfills, *see Solid Waste Management/Disposal below*
Land recycling program
Assessment, site **567**—137.8
Classification/certificate, no further action **567**—137.2, 137.7(4–6), 137.10, 137.11
Compliance **567**—137.6(4), 137.7(7)*a,* 137.9(7), 137.10
Controls, technological/institutional **567**—137.7, 137.9(6)
Definitions **567**—137.2
Enrollment **567**—137.3
Permits **567**—137.9(8)
Risk evaluation/response action **567**—137.9
Standards
See also Compliance this subheading above
Background **567**—137.4, 137.6(9)*b*, 137.10(4)
Cleanup **567**—137.9(3,6)
Groundwater **567**—137.4, 137.5(1–4), 137.6(2–5, 10), 137.9(4), 137.10(3), 137.10(4)*c*, 137.10(5)*b*, 137.10(6)
Site-specific **567**—137.6, 137.10(6)
Soil **567**—137.5(1,3,5), 137.6(6,7,10), 137.10(2), 137.10(4)*b*, 137.10(5)*a*
Statewide **567**—137.5, 137.10(5)

Loans
See also FINANCE AUTHORITY, IOWA
Intended use plan (IUP) **567**—44.8, 92.4(5), 92.6
Solid waste management **567**—chs 209, 218
Wastewater treatment/water pollution (WPCSRF/CWSRF/OSWAF) control **567**—chs 90–93
Water, drinking, state revolving fund (DWSRF) **567**—40.2, 40.6, ch 44, 92.2, 92.4

Meetings **567**—ch 1
Natural resources department authority **561**—ch 1, *see also Hazardous Waste above; Permits below; Solid Waste Management/Disposal below; Water Quality below*
Officers **567**—1.9, 1.10
Oil, recycled/waste **567**—118.9(5), *see also Hazardous Waste above; Solid Waste Management/Disposal: Landfills, Sanitary below*
Open burning, *see Air Quality above*

Penalties, *see Violations/Penalties below*
Permits
See also Air Quality: Emissions above; Groundwater above; Wastewater Treatment/Disposal below; Water Quality: Supply below
Anaerobic lagoons **567**—22.1, 22.3, 23.5, 51.2, 60.3(1)*a*"K3," *see also LIVESTOCK: Feedlots: Manure Control*
Appliance demanufacturing (ADP) **567**—118.2(2), 118.5, 118.7(5), 118.16, 118.16(2,3,7)
Composting **567**—105.14(1,6)
Conditional **567**—22.1(1,4), 22.3
Construction **567**—22.1, 22.3, 22.207, 22.300(9), 31.1, ch 33, 65.7, 65.9, 65.10, 65.16(1), 65.18, ch 102, *see also Natural Resources Department Authority above; Wastewater Treatment/Disposal below; Water Quality: Supply below*
Feedlots **567**—51.2, 60.3(2)*c*, 64.18, ch 65, *see also LIVESTOCK*
General **567**—22.109, 64.3(4)*b*, 64.6, 64.15(2)
Grain elevators/feed mill equipment **567**—22.1(1)*d*, 22.10
Hazardous waste, *see Air Quality: Emissions above; Hazardous Waste: Storage/Disposal/Treatment/Transportation above*
Landfills, *see Solid Waste Management/Disposal this subheading below*
Land recycling **567**—137.9(8)
National Pollutant Discharge Elimination System (NPDES) **567**—60.2, 60.3(2), 60.4(2), 62.1(1), 62.7, 62.8, 64.4–64.8, 64.15, 64.16, 64.18, 67.6(1)*b*, 67.6(2), 69.4, 69.16, 69.18(1)*b*, 93.4(2)*b*, 112.26(11)*c*, 113.8(3)*i*, 114.26(11)*c*, 115.26(11)*c*
Natural resources department authority **561**—1.2(1,5,10–12), 1.3(2)*g*, *see also specific permit*
Pollution equipment installation **567**—20.3(1), ch 22, 27.3(3)*d*
Sewers **567**—ch 9, 60.3, 60.4(1)*b*, 64.2(9,10)
Sludge, sewage, land application **567**—67.6, 121.1, 121.3, 121.7(1)
Small sources, operation **567**—22.300
Solid waste management/disposal
Appliances, *see Appliance Demanufacturing (ADP) this subheading above*
Citizen convenience centers/transfer stations **567**—106.3, 106.4, 106.13(1)*a*, 106.18(1), 106.18(5)*a*,*c*, 106.18(6), 106.19(1)
Composting facilities **567**—105.1(1), 105.1(2)*c*, 105.3, 105.5–105.8, 105.13, 106.3(2)
CRT (cathode ray tube) facilities **567**—122.2(4), 122.6, 122.7, 122.28(1,2,6)
Exemptions **567**—105.2, 105.3, 106.3(2), 108.1, 108.2(6), 121.6
Forms, application **567**—100.3
Incineration units **567**—22.101(1)*e*, 22.107(1)*a*(7), 22.108(2), 22.201(2)*a*, 22.300(3), *see also Air Quality: Emissions above*
Land application **567**—67.6, 105.1(5), 121.1, 121.3, 121.4, 121.7, 121.8(1,2,4,5)
Landfarms **567**—120.2–120.5, 120.8(2)*a*,*e*, 120.9(1), 120.10, 120.11, 120.13, 120.13(1,2,4,5)
Landfills **567**—23.1(5)*a*, 101.13(1)*b*, 101.13(1)*j*(4), 101.13(2)*b*, 103.1(2,6), 103.3(7)*d*, 108.8, 112.2–112.11, 112.13, 112.26(2,3,11–14), 112.27, 112.30, 112.31(3,4), 112.31(7)*d*, 113.2(4,5,7,10,11), 113.4–113.7, 113.8(3,5), 113.9(2)*d*, 113.10, 113.11(1)*a*, 113.14, 114.2–114.11, 114.13, 114.26(2,3,11–14), 114.27, 114.30, 114.31(3,4), 114.31(7)*d*, 115.2–115.11, 115.13, 115.26(2,3,11–14), 115.27, 115.30, 115.31(3,4), 115.31(7)*d*, 119.3, 123.12(1)
Mobile unit collection/consolidation centers (MUCCCs) **567**—123.1, 123.3, 123.5, 123.10, 123.12
Processing facilities **567**—104.26
Recycling facilities **567**—104.22(5,6), 122.2(5), 122.6, 122.7, 122.11, 122.28
Regional collection centers (RCCs) **567**—123.1, 123.3, 123.10, 123.12
Sanitary disposal projects (SDPs), closure **567**—112.3(4), 114.3(4), 115.3(4), *see also Solid Waste Management/Disposal: Landfills, Sanitary below*
Soil, petroleum contaminated, *see Landfarms this subheading above*
Tires, waste storage/processing **567**—116.8(2), 117.2, 117.4, 117.6, 117.7
Transfer
Stations, *see Citizen Convenience Centers/Transfer Stations this subheading above*
Titles **567**—102.8, 105.7(3), 106.3(4)

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Permits
Solid waste management/disposal

Types
Closure **567**—102.2(4), 104.11(3), 109.11(1)*o*(3), 112.3(4), 112.26(13)*g–k*, 112.26(14)*d–g*, 112.31(4), 113.2(4), 113.4(7)*b*, 113.4(8)*b*, 113.14(4), 114.3(4), 114.26(13)*g–k*, 114.26(14)*d–g*, 114.31(4), 115.3(4), 115.26(13)*g–k*, 115.26(14)*d–g*, 115.31(4)
Developmental **567**—102.2(3), 102.4, 102.7, 112.3(3), 112.5, 112.8, 114.3(3), 114.5, 114.8, 115.3(3), 115.5, 115.8
Research/development/demonstration (RD&D) **567**—113.4(7,10), 113.4(12)*a*(4), 113.5(1)*g*
Temporary **567**—100.3(1)*b*, 102.2(2), 102.7, 112.3(2), 112.8, 114.3(2), 114.8, 115.3(2), 115.8

Spray booths, paint/solvents **567**—22.8
Title V **567**—22.100–22.108, 22.109(9), 22.110–22.116, 22.137(3), 22.138(5–7), 22.139(5), 22.201(2), 22.202, 22.203(1), 22.205(2)*b*, 22.207, 22.300, 23.1(5)*b*(2)"9"
Voluntary operations **567**—22.200–22.209, 22.300(8)*a*, 22.300(9)*a*
Water
See also Groundwater above; Water Quality: Supply below
Exemptions **567**—61.2(2)*g*
Irrigation, *see IRRIGATION*
Mains, construction **567**—ch 9
Storage/diversion/withdrawal **561**—1.2(12); **567**—49.4, chs 50–53, 55
Wastewater disposal/treatment, *see Sewers below; Wastewater Treatment/Disposal below*

Wells, *see WELLS*

Pesticides **567**—52.21(2)*k*, ch 66, 121.6(1)*f*, 121.7(2), *see also Water Quality: Supply: Contaminants, Levels/Analyses below*
Pollution control property, taxation certification **567**—ch 11; **701**—18.45(1,8), 18.58(2)*h*, 39.6(3)*a*, 76.9, 80.3, 80.7(5)
Radioactive materials **567**—61.3(3)*c*(1), 62.1(2), 83.3(2)*c*, 135.1(3)*c*, *see also Solid Waste Management/Disposal below; Water Quality: Supply: Contaminants, Levels/Analyses below*
Records **567**—1.11(8), ch 2, 22.107(10), 64.5(5), *see also Air Quality: Emissions above; Hazardous Waste: Storage/Disposal/Treatment/Transportation above; Solid Waste Management/Disposal: Landfills, Sanitary below; Tanks, Underground Storage (UST) below; Wastewater Treatment/Disposal below*
Recycling, *see Land Recycling Program above; Solid Waste Management/Disposal below*
Rule making **567**—chs 4, 5, 13
Sanitary landfills, *see Solid Waste Management/Disposal below*
Septage, private systems **567**—ch 68, 69.1(2), 69.20, 113.8(1)*b*(4)
Septic tanks **567**—109.10(2), *see also Wastewater Treatment/Disposal: Private Sewage Disposal Systems below*
Sewers
See also Sludge below; Wastewater Treatment/Disposal: Sewage Disposal Systems below; SEWERS
Building **567**—69.7
Construction, treatment works
Authority **567**—ch 9
Loans **567**—90.2, 91.8(1)*a*,*d*
Permits **567**—ch 9, 60.3, 60.4(1), 64.2(9,10)
Standards **567**—9.4(2), 64.2(9,10)

Definition **567**—23.1(2)*k*
Effluent limitations/prohibitions **567**—62.1(6,7), 62.3, 62.6(3)
Flood plains **567**—72.5(2)*b*
Operation **567**—60.3(2), 64.3
Storm **567**—43.3(7)Table A, 60.3(2)*m*, 62.3(2), 64.2(8), 64.13, 90.2"8"
Taxation, services **701**—14.3(9), 18.5(3), 18.39, 26.72, 52.10(5)*a*, 52.22(3)*a*

Sludge
Definitions **567**—67.5, 69.1(2), 81.1, 100.2, 113.3, 121.2, 131.1
Incineration, emission standards **567**—23.1(2)*k*
Industrial **567**—121.2

Land application **567**—ch 67, 109.10(2)*c*, ch 121
Sewage
Land application, *see Land Application this subheading above*
Sanitary disposal projects/landfills **567**—104.8, 104.10(2), 109.10(2), 112.26(1)*o*, 112.28, 113.1, 113.2(6), 113.3, 114.26(1)*o*, 115.26(1)*o*

Solid waste management/disposal
See also Sludge above
Analyses, laboratory certification **567**—83.1(3)*d*, 83.2, 83.3(2)*c*, 83.4, 83.6(6)*d*, 83.6(7)*d*, 121.6(1)*j*(3)
Animals
Dead **567**—100.4, 105.1(2)*b*, 105.2(2), 105.6
Grazing restrictions **567**—113.8(1)*e*
Appliances, demanufacturing **567**—101.13(2)*g*(1)"2," 113.8(1)*b*(5), ch 118
Batteries **567**—113.8(1)*b*(14), 122.3, 122.15, 122.16, 122.24(1)*b*(4), ch 145
Beverage containers **567**—104.23, ch 107
By-products, use **567**—ch 108
Cathode ray tubes (CRTs) **567**—ch 122
Citizen convenience centers/transfer stations **567**—ch 106
Coal combustion residue (by-products), *see Landfills, Sanitary this subheading below*
Combustors, emission standards **567**—23.1(2)*nnn*,*sss*,*uuu*
Compost
Facilities **567**—101.13(1)*i*(1), 102.14, ch 105
Use, beneficial **567**—108.2(4), 108.4(5), 108.8(3)
Contracts
Cities/counties **567**—101.4, 101.5, 101.13(1)*b*, 101.13(2)*b*
Department **567**—209.15, 218.9(4), 218.11, 218.12(2), 218.13
Crop/garden use **567**—65.3, 65.17, ch 65 Tables 3, 3a, 4, 4a, 121.6(1)*l*(6,7), *see also Wastewater Treatment/Disposal below*
Definitions **567**—100.2, 100.4(1), 101.2, 105.1(1), 105.14(1), 106.2, 106.18(1), 107.2, 108.3, 109.3, 118.3, 119.2, 120.3, 121.2, 121.5, 123.2, 209.3, 211.2, 213.3, 214.3, *see also Landfills, Sanitary this subheading below*
Education, public **567**—101.13(1)*h*, 101.13(1)*k*(4), 101.13(8)*b*, 209.6, 209.12, ch 214
Emergency response/remedial action plan (ERRAP) **567**—122.11(1)*l*, 122.23, 123.10, *see also Landfills, Sanitary this subheading below*
Emissions **567**—23.1(2)*ttt*,*vvv*,*www*, 23.1(5)*b*, 101.13(1)*i*(3), *see also subheadings Combustors, Emission Standards above; Landfills, Sanitary below*
Farms **567**—100.4
Fees, *see Landfills, Sanitary this subheading below*
Financial assurance, *see specific facility*
Foundry sand, *see Landfills, Sanitary: Sand, Foundry this subheading below*
Funds, *see subheadings Grants below; Loans below*
Grants **567**—chs 209, 211, 214.6(2), 214.7, ch 218
Hazardous waste, *see Hazardous Waste above*
Household, *see Hazardous Waste above*
Hydrogeologic monitoring system **567**—ch 110, 113.6(3)
Incineration/incinerator operators **567**—20.2, 22.101(1)*e*, 22.107(1)*a*(7), 22.108(2), 22.201(2)*a*, 22.300(3), 23.1(2)*ttt*,*vvv*,*www*, 23.1(5)*b*, 23.4(12), 101.7(2)*c*, 101.13"3," 101.13(1)*i*(3), 101.13(6), 102.13(1), 104.25, 105.1(3), 112.29, 114.29, 115.29, *see also Air Quality: Emissions above*
Industrial **567**—113.3
Infectious/medical waste **567**—23.1(2)*ttt*, 23.1(5)*b*, 109.9, 113.8(1)*b*(7)
Inspections, *generally* **567**—102.2(1)*b*, 102.11, *see also specific facility*
Land application **567**—ch 121, *see also Feeding Operations, Animal above; Soil, Contaminated this subheading below; Wastewater Treatment/Disposal: Animals below*

Landfarming, petroleum contaminated soil (PCS) **567**—ch 120
Landfills, sanitary
Access **567**—113.8(3)*a*,*c*
Asbestos-containing materials (ACM) **567**—109.11(1), 113.8(1)*b*(9)
CCR, *see Coal Combustion Residue (By-Products) this subheading below*
Closure/postclosure **567**—93.7(1)*d*, 100.5, 103.1(5), 103.3, 112.13(10), 112.26(10,13,14), 112.31(3,4), 113.2(4,8), 113.4(7)*b*, 113.4(8)*b*, 113.4(12)*a*(4), 113.5(1)*i*, 113.8(2), 113.10(5,6), 113.11(1)*h*, 113.12–113.14, 114.3(4), 114.13(10), 114.26(10,13,14), 114.31(3,4), 115.13(10), 115.26(10,13,14), 115.31(3,4)
Coal combustion residue (by-products) **567**—102.14, ch 103, 108.3, 108.4(4), 108.7(1)*c*, 108.8(2)
Constituents, organic/inorganic **567**—ch 113 Appendixes I, II
Construction/demolition wastes **567**—100.2, 101.13(2,3), 113.8(2)*b*, ch 114
Construction standards **567**—113.7
Cover material **567**—108.3, 108.8–108.10, 113.8(2)*b*(4), 113.8(2)*f*, 113.12(1–3), 113.13(1)*a*, *see also By-Products, Use this subheading above*
Definitions **567**—23.1(5)*a*(1), 100.2, 113.3, 113.6(2), 113.14(8)*a*
Emergency response/remedial action plan (ERRAP) **567**—102.14, 103.2, 112.30, 113.5(1)*e*, 113.8(5), 114.30, 115.30
Emission standards **567**—23.1(2)*rrr*, 23.1(5)*a*
Excavation **567**—100.5
Fees **567**—101.7(3), 101.14
Financial assurance **567**—103.3, 112.26(13)*j*, 112.31, 113.5(1)*h*, 113.8(3)*j*, 113.10(9)*g*, 113.11(1)*i*, 113.14, 114.26(13)*j*, 114.31, 115.26(13)*j*, 115.31
Flood plain development **567**—71.6, 72.7, 113.6(2)*b*, 113.6(4)*e*(6), 113.6(4)*g*
Gas, methane **567**—112.26(15), 113.9(2), 113.13(1)*d*, 114.26(15), 115.26(15); **701**—80.12
Groundwater **567**—101.14(1)*a*, 103.1(1)*c*, 103.1(2)*e*,*f*, 103.1(4)*e*, 112.13(10)*a*(2), 112.18, 112.26(1)*g*, 112.26(5,8,9), 112.26(13)*g*, 112.26(14)*d*,*g*, 112.28(1)*e*, 113.6(2)*i*, 113.10, 113.13(1)*c*, 114.13(10)*a*(2), 114.18, 114.26(1)*g*, 114.26(5,8,9), 114.26(13)*g*, 114.26(14)*d*, 115.13(10)*a*(2), 115.18, 115.26(1)*g*, 115.26(5,8,9), 115.26(14)*d*,*g*, 115.28(1)*c*,*d*, *see also Monitoring Wells this subheading below*
Hearings **567**—113.4(12)*f–h*
Inspection **567**—103.1(5)*f*, 112.3(1)*b*, 112.12, 112.13(10)*a*(2), 113.4(6,11), 113.7(5)*b*(5), 113.8(1)*a*(1), 13.8(2)*a*(5), 113.11(1)*e*, 113.11(2), 114.3(1)*b*, 114.12, 114.13(10)*a*(2), 115.3(1)*b*, 115.12, 115.13(10)*a*(2)
Leachate **567**—108.4(6)*c*, 112.13(10), 112.26(1)*g*, 112.26(2)*l*, 112.26(9,11,12), 112.26(13)*h*, 112.26(14)*e*, 113.2(8)*b*, 113.2(10), 113.4(10), 113.6(2)*e*,*f*, 113.7(4,5), 113.8(2)*b*,*g*,*h*, 113.8(3)*i*, 113.8(6)*d*(11), 113.13(1)*b*, 113.14(3)*c*(6)"9," 113.14(4)*c*(6)"10–12," 114.13(10), 114.26(1)*g*, 114.26(2)*l*, 114.26(9,11,12), 114.26(14)*e*, 115.13(10), 115.26(1)*g*, 115.26(2)*l*, 115.26(9,11,12), 115.26(13)*h*, 115.26(14)*e*
Liner system **567**—112.26(1)*d*,*e*, 113.3, 113.7(5)*a*, 113.8(2)*b*,*c*,*h*, 113.12(1)*a*, 114.26(1)*d*,*e*, 115.26(1)*d*,*e*
Location **567**—112.26(1)*m*, *r-u*, 113.6, 114.26(1)*m*, *r-u*, 115.26(1)*m* ,*r-u*
Monofills, biosolids/industrial wastes (BMF/IMF) **567**—chs 112, 115
Monogenerator/monowaste facilities **567**—101.2, 101.13(4,5)
Municipal wastes, *see CITIES: Waste*
Oil, waste **567**—113.8(1)*b*(15), 119.3, 119.4, *see Tanks, Underground Storage (UST): Petroleum below*
Operating requirements **567**—103.1(4), 112.26(2), 112.27, 113.8, 114.26(2), 114.27, 115.26(2), 115.27, *see also subheadings Operators below; Records below*
Operators
Certification **567**—112.29, 113.8(6), 114.29, 115.29
Discipline **567**—112.29(10), 113.8(6)*j*, 114.29(10), 115.29(10)
Permits, *see Permits above*
Plans **567**—102.14, 112.5, 112.6, 112.13, 112.26(1), 112.28(1), 113.5(1)*d*, 113.6(3), 113.7(2), 113.8(4), 113.13(3–5), 113.14(4), 114.5, 114.6, 114.13, 114.26(1), 114.28(1), 115.5, 115.6, 115.13, 115.26(1), 115.28(1), *see also Emergency Response/Remedial Action Plan (ERRAP) this subheading above*
Prohibitions **567**—102.13(1,3,8), 105.1(3), 109.10(2), 109.11(2)*a*,*b*, 109.11(3)*a*, 112.27(1,3,8), 112.28(2)*a*, 113.6, 113.8, 114.27(1,3,8), 115.27(1,3,8), 119.3

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Solid waste management/disposal
Landfills, sanitary

Records
See also Financial Assurance this subheading above
Generally **567**—101.14(5), 112.20"7,8," 112.26(8,10), 114.20"7,8," 114.26(8,10), 115.20"7,8," 115.26(8,10)
Operating **567**—101.14(5)*a*, 112.29(10)*a*(2), 112.31(6)*a*(6), 112.31(6)*d*(4), 112.31(6)*f*(3)"5," 112.31(6)*g*(1), 113.7(6)*d*, 113.8(2)*b*(4), 113.9(2)*c*, 113.11(1), 113.12(4,9), 113.13(4,5), 114.29(10)*a*(2), 114.31(6)*a*(6), 114.31(6)*d*(4), 114.31(6)*f*(3)"5," 114.31(6)*g*(1), 115.29(10)*a*(2), 115.31(6)*a*(6), 115.31(6)*d*(4), 115.31(6)*f*(3)"5," 115.31(6)*g*(1)
Reports
See also subheadings Financial Assurance above; Leachate above
Generally **567**—112.26(14)*g*, 112.26(15), 112.29(10)*a*(2), 113.8(2)*b*(1), 113.11(2), 113.14(6)*e*(2), 114.26(14)*g*, 114.26(15), 114.29(10)*a*(2), 115.26(14)*g*, 115.26(15), 115.29(10)*a*(2)
Annual **567**—103.1(5)*e*,*f*, 112.26(8)*d*, 112.26(15)*b*, 113.4(10)*c*(4), 113.9(2)*d*, 113.10(10), 114.26(8)*d*, 114.26(15)*b*, 115.26(8)*d*, 115.26(15)*b*
Groundwater monitoring **567**—103.1(4)*e*, 112.26(14)*g*, 114.26(14)*g*, 115.26(14)*g*
Site exploration/characterization **567**—113.5(1)*c*, 113.6, 113.10(2)*e*, 113.11(1)*b*

Salvaging/scavenging **567**—112.27(3), 113.8(1)*d*, 114.27(3), 115.27(3)
Sand, foundry **567**—108.3, 108.4(6), 108.6(1)*a*, 108.8(5)
Septage, private disposal systems **567**—68.10(2)*d*
Sludge, sewage, *see Sludge above*
Soil, contaminated **567**—108.4(14), 108.8(10), 109.11(2), 113.6(3), 113.8(1)*b*(10)
Special waste **567**—ch 109, 113.8(2)*e*, *see also Special Waste this subheading below*
Specific waste **567**—115.28
Surface water monitoring **567**—112.26(3,4), 113.10(1)*a*, 113.10(3), 114.26(3,4), 115.26(3,4)
Toxic waste, exemption **567**—113.8(1)*b*(1)"4"
Variances **567**—112.25, 113.15, 114.25, 115.25
Violations **567**—112.26(1)*n*, 114.26(1)*n*, 115.26(1)*n*, *see also Operators this subheading above*

Loans **567**—chs 209, 218
Mobile unit collection/consolidation centers (MUCCCs) **567**—ch 123
Monitoring wells **567**—103.1(4)*c*–*e*, 103.1(5)*e*,*f*, 110.4, 110.7–110.12, 112.16, 112.19–112.25, 112.26(3,4,6), 113.6(2)*j*, 113.6(3)*d*, 113.9(2)*b*, 113.10(2)*c*,*d*, 113.14(3)*c*(6), 114.16, 114.19–114.25, 114.26(3,4,6), 115.16, 115.19–115.25, 115.26(3,4,6), 120.9(12), 120.11(1)*d*, 120.12(1)
Natural resources department authority **561**—1.2(10), 1.3(2)*i*; **567**—100.1, ch 209
Packaging, toxicity **567**—ch 213
PCBs, *see Polychlorinated Biphenyls (PCBs) this subheading below*
Permits, *see Permits above*
Pesticides **567**—121.6(1)*f*, 121.7(2)
Plans **567**—ch 101, 102.4, 102.5, 102.12, *see also Landfills, Sanitary this subheading above*
Polychlorinated biphenyls (PCBs) **567**—109.5(2)*c*, 113.8(1)*a*, 113.8(1)*b*(2), ch 118, 121.6(1)*f*, 122.3, 122.19–122.21
Processing facilities **567**—ch 104
Radioactive materials **567**—109.10(1), 113.8(1)*b*(6), chs 131, 152
Recycling operations **567**—ch 11, 23.1(4)*ad*, 100.2, 101.3, 101.6, 101.7, 101.11, 101.13, 101.13(1)*h*, 101.13(8), 102.14, 104.21–104.24, ch 107, 118.9, 118.10(7,8), 118.15(3), 119.4(2)*d*, 119.7, chs 122, 145; **701**—18.45(1,8), 18.58(2)*g*, 18.58(9), 80.3
Reduction program **567**—101.3, 101.6, 101.7, 101.13, ch 209
Regional collection centers (RCCs) **567**—chs 123, 211, 214
Sludge (biosolids), *see Sludge above*
Soil, contaminated **567**—101.7(3)*c*, *see also Landfarming, Petroleum Contaminated Soil (PCS) this subheading above; Landfills, Sanitary this subheading above; Land Recycling Program above*
Special waste **567**—101.4, *see also Landfills, Sanitary this subheading above*
Storage facilities **567**—102.14, 104.9, *see also subheadings Citizen Convenience Centers/Transfer Stations above; Tires below*

Surveys, form **567**—101.10
Taxation **701**—14.3(9), 18.5(3), 18.39, 26.71, 68.8(10)
Tires
Burning **567**—23.2(3)*e*, 23.2(2)*j*(7)
Disposal project plan **567**—101.13(1)*h*(2)
Haulers **567**—ch 116, 117.3
Landfills **567**—108.8(11), 109.10(3), 113.8(1)*b*(12)
Processing **567**—117.1, 117.2, 117.6, 117.7, ch 218
Storage **567**—116.8(2)*c*, 117.1, 117.4–117.7, 117.8(11), ch 218
Use, beneficial **567**—108.4(15), 108.8(11), 117.8

Transfer stations, *see Citizen Convenience Centers/Transfer Stations this subheading above*
Violations/penalties **567**—10.2(4), 101.14(6), 107.4(1)*f*, 107.4(2)*e*, 107.4(4)*d*, 213.7(2), 218.10(3)*e*, *see also Landfills, Sanitary this subheading above*
Yard waste composting facilities **567**—101.13(2)*g*(1)"4," ch 105, 113.8(1)*b*(13)

Standards, *see Air Quality: Emissions above; Hazardous Waste above; Land Recycling Program above; Sewers above; Solid Waste Management/Disposal: Emissions above; Tanks, Underground Storage (UST): Codes/Standards below; Water Quality below*
Streams, *see Water Quality below*
Tanks, underground storage (UST)
See also TANKS
Analyses, laboratory certification **567**—83.1(3)*b*, 83.3(2)*c*, 83.6(6)*b*, 83.6(7)*b*, 133.3(1)*b*, 135.9(3)*l*, 135.9(7)*h*, 135.16, 135.19(5)
Authority **567**—135.1
Certificates
Groundwater professionals **567**—134.1–134.6
Inspectors, compliance **567**—134.6–134.16, 135.20, *see also Inspections this subheading below*
Owners/operators **567**—135.12(10), ch 135 Appendix D

Closure **567**—135.3(5)*e*, 135.4(5)*c*, 135.5(1)*d*, 135.15, 135.16(2)*r*, 136.22
Codes/standards **567**—135.3, 135.4, 135.5(3)*b*, 135.5(4)*a*,*g*, 135.15(2), 136.6(2–4)
Construction, materials/equipment **567**—135.3(1,2), 135.4(3), 135.5(3)*b*, 135.5(4)*g*
Containment, secondary **567**—135.3(9), 135.5(4)*g*, 135.5(5)*d*
Definitions **567**—134.1, 134.6, 134.17, 135.2, 136.3
Deposits, regulated, prohibitions **567**—135.3(3)*j*, 135.3(5)*d*, 135.3(8)
Exemptions, pre-1974 operation **567**—135.15(7)
Fees **567**—135.3(3)*g*,*k*, 135.3(5), 135.3(6)*a*
Financial responsibility
Amount **567**—136.4
Applicability **567**—136.1
Assurance **567**—136.17, 136.18, 136.19(1)*b*(2,4), 136.19(3), 136.20, 136.21
Bankruptcy **567**—136.19(1)*b*(1), 136.23
Bonds **567**—136.9, 136.13, 136.18(1)*a*, 136.21(1), 136.24; **701**—40.37, *see also PETROLEUM: Diminution*
Cancellation/renewal/suspension, provider **567**—135.3(8)*b*(5), 136.18, 136.19(1)*b*(2)
Closure **567**—135.15(1)*a*, 136.22
Compensation, third parties **567**—136.4, 136.12(2) Section 4
Definitions **567**—136.3, 136.12(2) Section 1
Evaluations, noncompliance **567**—135.17
Evidence, owner **567**—136.19, 136.20
Forms **567**—136.6(4), 136.7(3), 136.8–136.10, 136.12(2), 136.19(1,2), 136.20(2), 136.21(2), 136.23(3)
Guarantee/guarantor **567**—136.5(2), 136.6, 136.7, 136.15, 136.18(1)*a*, 136.19(1)*b*(3), 136.20(2), 136.21(1,4), 136.23(2,4,5), 136.24

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Tanks, underground storage (UST)
Financial responsibility

Insurance
Claims **567**—136.8(2)*a*(2)"5,7," 136.8(2)*b*(2)"5,7"
Endorsement/certification **567**—136.8(2)
Liability **567**—134.12, 136.8
Self-insurance **567**—136.5(2), 136.6
Termination/cancellation **567**—136.8(2)*a*(2)"4–6," 136.8(2)*b*(2)"4–6," 136.18

Letter of credit **567**—136.10, 136.18, 136.21(1), 136.24
Notifications **567**—135.3(3), 135.8(1)*d*, 136.23
Records/reports **567**—135.9(3)*f*, 136.19, 136.20
Test demonstration **567**—136.5–136.7, 136.13–136.15, 136.19(1)*b*(3), 136.20(2)
Trust fund
Agreement **567**—135.17(4), 136.11, 136.12(2), 136.20(2)
Claims **567**—136.21(2,3)
Standby fund **567**—136.7(4), 136.12, 136.15(3–5), 136.20(2), 136.21, 136.24

Fuel, farm/residential **567**—135.3(4)
Groundwater, *see Groundwater above*
Hearings/appeals **567**—134.28(3)
Inspections **567**—ch 134, 135.3(1)*e*, 135.3(2)*b*, 135.3(5)*d*, 135.3(8)*a*(3), 135.3(8)*b*(4,8), 135.3(9)*g*, 135.4(2)*b–d*, 135.4(4)*d*(1), 135.5(5)*d*(3), 135.7(3), 135.20, *see also Site Assessment/Classification this subheading below*
Inspectors, certification/licensure **567**—ch 134 Parts B,C
Installers/liners/testers **567**—ch 134 Part C
Loans, remediation **567**—93.7(1)*d*
Monitoring **567**—135.3(9)*f*, 135.5(2)*b*, 135.5(4)*e–g*, 135.5(5)*d*, 135.6(1)*c*, 135.7(5)*f*, 135.8(4), 135.9(1), 135.9(12)*c*, 135.10(3)*c*,*d*,*g–n*, 135.10(6)*h*, 135.12(3)*e–h*, 135.12(5)*c*,*d*, 135.12(6)*e*, 135.12(10), 135.15(3), 135.19(2), *see also Groundwater above*
Notifications **567**—135.3(3,4), 135.3(8)*c*,*e*, 135.4(5)*a*, 135.5(1)*b*, 135.8, 135.9(8)*c*, 135.9(9)*c*, 135.10(8)*e*, 135.10(9)*e*, 135.12(11), 135.13, 135.15(1)*b*, 135.15(2), 136.19(2), *see also Reports this subheading below*
Operation/maintenance **567**—135.4
Petroleum
See also PETROLEUM: Diminution
Amnesty program **567**—135.3(6)
Analyses, laboratory, *see Analyses, Laboratory Certification this subheading above*
Diminution, exemption certificates **567**—135.3(7)
Releases **567**—135.5(2), 135.6(4), 135.7, 135.8(3), *see also Releases this subheading below*
Waste oil **567**—119.5(2), ch 135

Records **567**—134.14(4), 135.1(4)*b*, 135.4(2)*d*, 135.4(4)*f*, 135.4(5), 135.5(6), 135.7(5)*f*, 135.12(11)*c*, 135.15(6), 135.20(2), 136.20
Registration **567**—135.3(3)*j*,*k*, 135.3(5,6)
Releases **567**—134.14(1)*b*, 134.28(2)*f*, 135.3(8), 135.4(2,4), 135.4(5)*a*(2), 135.5–135.7, 135.8(3), 135.9(1)*e*, 135.9(2,3,11), 135.13, 135.15(1)*a*, 135.15(3)*a*,*f*, 135.20(2)*c*, 136.19(1)*a*, 136.21, 137.2, 137.3(1)*a*, *see also Land Recycling Program above*
Repairs **567**—135.4(4), 135.5(6)*c*, 135.6(3)*a*(1)
Reports **567**—134.14(1), 135.4(1)*b*, 135.4(5), 135.6, 135.7(2,3,5), 135.9(3,11), 135.10(1,11), 135.11(2), 135.12(9), 135.13, 135.15(3)*a*, 135.15(4)*c*, 135.16(2), 135.18, 135.20, 136.19, *see also Notifications this subheading above*
Sewers, receptors **567**—135.10(6)
Site assessment/classification **567**—135.8–135.12
Soil/water contamination, analyzation/excavation **567**—135.7(3)*a*(4), 135.8(1)*a*, 135.8(3), 135.9(1)*a*,*b*,*f*, 135.9(5,7), 135.9(9)*d*, 135.10, 135.12(11)*c*, 135.14, 135.15(3,4), 135.18(4), 135.19, ch 135 Appendixes A,B, *see also subheadings Analyses, Laboratory Certification above; Monitoring above*
Tags **567**—135.3(3)*j*,*k*, 135.3(5,8)
Taxation credit, small business **701**—80.10

Tests **567**—135.3(2)*b*(2), 135.3(8)*b*(1,2,6,7), 135.3(9)*g*, 135.4(2)*b*, 135.4(4)*d,e*, 135.5, 135.6(3), 135.9(10)*c*, *see also subheadings Monitoring above; Soil/Water Contamination, Analyzation/Excavation above*

Vapors, explosive **567**—135.7(5)*d*(3), 135.9(3)*h*, 135.9(6,7), 135.10(6)*b,h*, 135.10(7)*b,h*

Violations/penalties **567**—10.2(4), 134.4(3)*b*, 134.14–134.16, 135.3(3)*k*, 135.20(3), 137.7(7)*d*

Tires, *see Solid Waste Management/Disposal above*

Underground tanks, *see Tanks, Underground Storage (UST) above*

Violations/penalties **567**—ch 10, 12.1(2), 12.2, 12.4, 50.6(3), 50.7(4), 68.10(2)*c*(4)"8," 134.5, *see also Air Quality above; Hazardous Waste above; Solid Waste Management/Disposal above; Tanks, Underground Storage (UST) above; Wastewater Treatment/Disposal below; Water Quality: Supply below*

Waivers/variances **567**— ch 13, *see also Air Quality above; Solid Waste Management/Disposal above; Tanks, Underground Storage (UST) above; Water Quality: Supply below*

Wastes **567**—ch 213, *see also Hazardous Waste above; Solid Waste Management/Disposal above; Wastewater Treatment/Disposal below; WASTE*

Wastewater treatment/disposal

Analyses, laboratory certification **567**—63.1(4), ch 83

Animals **567**—52.21(2)*j*, 62.4(50), *see also Feeding Operations, Animal above*

Construction/operation **567**—60.3, 60.4, chs 64, 69, 71.5, chs 91, 92, *see also Private Sewage Disposal Systems this subheading below*

Crop/garden use **567**—67.8(2)*l,m*, 68.10(2)*c*(2)"1,3,9," *see also CROPS*

Definitions **567**—60.2, 65.1, 69.1(2), 81.1, 90.2

Effluents **567**—52.21(2)*h*, 60.4(2)*b*(2), 62.1, 62.3–62.8, 63.4, 64.6, 69.4, 69.8(1)*c*, 69.13(1)*d*, 69.14(5–7), 69.15(1)*b,c*, 69.15(2)*e*, 69.16(7), *see also Toxicity Testing this subheading below*

Fees **567**—64.16, 68.4(3), *see also Operators, Certification this subheading below*

Flood plains **567**—71.5, 72.6

Forms **567**—60.3, 63.10

Hearings/appeals **567**—61.11(5), 64.2(9)*c*, 81.17(3,4), *see also Contested Cases above*

Iowa Wastewater Facilities Design Standards, manual **567**—64.2(9)

Landfills **567**—113.8(4)*i*

Loans, state revolving fund, *see Loans above*

Monitoring **567**—11.6(3)*c*(7), 60.3(3), 60.4(2)*b*(3), ch 63, 64.18

Operators, certification **567**—ch 81

OSWAF (Onsite Wastewater Assistance Fund), *see Private Sewage Disposal Systems: Loans (OSWAF) this subheading below*

Permits **561**—1.2(11), 1.3(2)*g*(1)"1"; **567**—ch 60, 61.2(4)*a*, 63.1(1)*b*, 63.2(1), 63.3, 63.4, chs 63 Tables I–V, 64, 65.4–65.6, 69.3(1), 69.4, 120.8(2)*e*

Plants/systems, grades **567**—81.1, 81.3

Pollution control property, *see Pollution Control Property, Taxation Certification above*

Private sewage disposal systems

Absorption systems **567**—69.9, 69.14(5)

Aerobic units **567**—69.14

Alternative/experimental systems, designs/methods **567**—69.19, 69.21

Definitions **567**—69.1(2), 90.2

Drip irrigation systems **567**—69.1(2), 69.12

Filters, sand **567**—69.1(2), 69.13(1–5), 69.14(5)

Inspections **567**—69.2, 69.3(1)*b*

Loans (OSWAF) **567**—90.3(5), 91.2, 92.4(2), ch 93

Mound systems **567**—69.1(2), 69.10

Permits **567**—64.6(1)*a,c*, 64.15(4), 69.1(4,5), 69.3(1)

Ponds, waste stabilization **567**—69.16

Public connections **567**—69.1(3)

Septage, land disposal **567**—69.6, 69.20

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Wastewater treatment/disposal
Private sewage disposal systems

Septic tanks
Cleaners, licensure/standards **567**—ch 68, 69.20(2)
Construction **567**—60.3(1)*a*"J," 69.8
Location **567**—69.3(2), 69.8(1)*b*

Sewers **567**—69.1(3), 69.7
Soil application **567**—69.6, 69.9
Toilets **567**—69.17, 69.18
Variances **567**—69.22
Water, surface **567**—69.4, 69.16(6)
Wetlands **567**—69.15

Records, operation **567**—60.2, 63.2, 63.7–63.11, 64.3(11)*b*, 64.18
Refineries, emissions **567**—23.1(2)*ggg*
Reports **567**—60.3, 63.5, 63.6, 64.7(4)*b*, 64.7(5)*a*, 64.9, 64.18, 83.6(6)*c*
Site surveys **567**—60.4(1)*c*, 64.2(2,3)
Sludge, *see Sludge above*
Standards **567**—43.1(6), ch 62, 63.1(1), 63.1(2)*b*(3), 64.2, 68.9, 68.10, 69.9(5), 69.14(2), 92.8, 93.4(2)*b*,*c*, 112.26(11)*c*(3), 113.8(3)*i*, 114.26(11)*c*(3), 115.26(11)*c*(3)
Storm water discharges **567**—23.2(3)*j*(12), 60.2, 60.3(2)*d–i*,*m*, 64.3(4)*b*, 64.4, 64.6, 64.8(2)*a*, 64.13, 64.15, 64.16, 65.101(6)*c*, 90.2"8," 91.11(1)*c*, 93.7(1)*d*, 105.8(2)*f*, 106.10(1)*c*, 120.8(2)*e*, 122.13(2,5)
Structures, location **567**—43.3(7) Table A
Toilets **567**—68.10(1), 69.17, 69.18
Toxicity testing **567**—63.4
Violations/penalties **567**—10.2(4), 60.4(2)*b*(3), 62.8(2), 64.2(7)*b*, 64.2(10), 64.3(11), 64.7(4)*e*, 64.7(5)*a*,*b*, 68.5(1), 81.2(11), 81.8(6), 81.10(3), 81.17(2)*e*, 82.7(5), *see also LIVESTOCK: Feedlots*

Water quality
See also WATER
Acts, federal
Clean Water Act **567**—61.2(2)*g*, 90.1, 90.2, 91.2, 92.2, 92.4, 92.6(2)*f*, 92.7(6)*a*, 92.8(1), 93.4(1,8), 135.1(3)*b*
Environmental Policy Act **567**—92.8(1)*b*
Safe Drinking Water Act **567**—40.1, 43.1(3)*d*, 43.2(5)
Water Pollution Control Act **567**—60.2, 64.8(1)*e*, 90.2, 131.1, *see also Clean Water Act this subheading above*

Aquifers
Agricultural drainage wells **567**—50.2, 50.3(1), 50.4(2), 50.6(7), 51.3, 51.8, 52.21
Bedrock **567**—39.8(4), 135.8(5), 135.10(3)
Definition **567**—39.3, 50.2, 55.4
Permits **567**—50.6(1,4,7), 51.3, 51.5, 52.2(1)*b*, 52.21, ch 55
Tests **567**—41.4(1)*f*(2), 41.6(1)*c*(1)"2," 41.11(1), 50.2, 50.6(1)*a*, 51.6(3), 52.6(4)
Well construction **567**—49.7(3,5), 55.6(2)*c*
Withdrawals/diversions **567**—50.6, 51.3, 51.5, 51.6, 52.2(1)*b*, 52.4, chs 54, 55

Bottled **567**—42.3(3)*f*, 43.1(3)
Cisterns **567**—40.2
CWSRF, *see Loans above*
Conservation measures, shortages **567**—51.5, 52.9, 52.10, 93.7(1)*d*
Contaminants, *see Groundwater above; Solid Waste Management/Disposal: Landfills, Sanitary above; Supply this subheading below*
Definitions **567**—39.3, 50.2, 55.4, 81.1, *see also Supply this subheading below*
Districts, rural **567**—51.6(4), 81.1
Drinking, *generally* **567**—10.2(4), chs 40–44, 49, 61.3(1)*b*(11), 135.9(4,8,9), 135.10(3)*g*, 135.10(4), 137.6(3)*b–d*, 137.8(3)*j*, *see also Loans above*
DWSRF, *see Loans above*

Flood plain development, *see FLOOD CONTROL*
Groundwater, *see Groundwater above; Solid Waste Management/Disposal: Landfills, Sanitary above; Supply: Contaminants, Levels/Analyses this subheading below*
Hearings/appeals **567**—38.13, 39.11, 42.1(9)*c–f*, 43.2(4)*c*, 43.2(8), 44.8(1), 44.14, 50.8(2), 50.9, 52.7, 52.10(1), 54.10, 55.5(4,6), 55.6(1)*h*, 81.17(3,4), 92.4(3), 92.6, *see also Contested Cases above*
Irrigation **567**—38.3(1), 50.2, 50.6(2), 52.2, 52.4(3), 52.9(3)*c*(3), 52.10(3)
Loan, drinking water state revolving, *see Loans above*
Mixing zones, regulatory **567**—61.2(4)
Natural resources department authority **561**—1.2(2,11,12), 1.3(2)*g*(1); **567**—chs 40, 44, 50, 60.1; **571**—33.7
OSWAF, *see Loans above*
Permits **567**—61.2(2)*g*, *see also subheadings Aquifers above; Supply below; Withdrawals/Diversions/Storage below*
Pesticides, aquatic **567**—ch 66
Pollution control property, *see Pollution Control Property, Taxation Certification above*
Records, *see Supply this subheading below*
Standards
See also Acts, Federal this subheading above; Wastewater Treatment/Disposal above
Public supply **561**—1.2(2,11); **567**—40.1, 40.2, 40.4(4), 41.2(1)*e*, 41.2(3)*e*, 41.2(4), 41.3–41.6, 41.11(2), 42.4(3)*b*, ch 42 Appendix A, 43.1(3,4), 43.3, 43.6(2)*c*
Surface waters, protection **567**—ch 61
Wells, private/nonpublic **567**—ch 49
Storage, *see Withdrawals/Diversions/Storage this subheading below*
Streams, protected **567**—50.6(6), 52.3, 52.4, 52.8, ch 53, 72.2(1)*d*, 72.31, 72.32, 72.50–72.52, *see also Standards: Surface Waters, Protection this subheading above*
Supply
Analyses, laboratory certification, *see Contaminants, Levels/Analyses this subheading below*
Assessment, viability **567**—40.7, 43.8
Chlorine, *see Disinfection this subheading below*
Conservation/allocation plans **567**—52.9(3)*b*,*c*, 52.10(3)*h*,*i*
Construction **567**—ch 9, 40.3(1), 40.4, 41.4(1)*f*(5), 42.5(1)*e*, 43.1(2,4), 43.3, 43.4, 43.8(4), 43.8(7)*b*, 43.9(1)*c*, ch 44, 72.8, 82.12, *see also WELLS*
Contaminants, levels/analyses
Generally **567**—41.11, 41.15
Algae **567**—41.2(4)
Ammonia **567**—41.11(2)
Arsenic **567**—41.3(1)*a–c*, *e*, 42.3(3)*g*(2), ch 42 Appendixes A,C, 43.3(10)*b*, 83.6(7)*a*(4)
Asbestos **567**—41.3, ch 42 Appendixes A,C, 43.3(10)*b*, 83.3(2)*c*, 83.6(7)*a*(4)
Backflow **567**—43.1(4)
Coliforms **567**—41.2(1), 42.1(2)*a*(1), 42.3(3)*c*(1)"6,7," ch 42 Appendixes A,C
Compliance **567**—41.2(1)*b*(3,4), 41.2(1)*c*(1)"7," 41.2(1)*c*(2)"5," 41.2(1)*c*(3)"3," 41.2(1)*d*, 41.3(1)*b*(2), 41.3(1)*c*, 41.5(1)*a*, 41.5(1)*b*(2), 41.5(1)*c*, 41.6(1)*a*,*e*, 41.8(1)*a*,*c*, 41.14, 42.1, 42.3(3)*c*(1)"3," 42.3(3)*d*,*e*, 42.4, 43.3(10)*a–c*,*f*, 43.5, 43.6, 43.9
Copper **567**—41.4, 42.3(3)*d*(2)"2," 42.4(2), ch 42 Appendixes A,B"M,"C, 43.7, 83.6(7)*a*(5)
Cyanide **567**—41.3(1)*c*(4)"4," 41.3(1)*c*(7), 41.3(1)*e*, ch 42 Appendixes A,C, 83.6(7)*a*(4)
Disinfectants, *see Disinfection this subheading below*
E-coli, *see Coliforms this subheading above*
Filtration, *see Treatment this subheading below*
Fluoride, *see Fluoride this subheading below*
Groundwater source **567**—41.2(1)*c*(1)"2,5," 41.2(4), 41.3(1)*c*(2,5), 41.4(1)*d–f*, 41.5(1)*c*(2,3), 41.6, 41.11, 42.1(3)*b*(3), 42.4(2)*a*(5), 42.4(3)*c*, 43.3(7)*c*(2), 43.5, 43.6, 44.7(7)"A"
Herbicides **567**—ch 42 Appendix C
Industrial activities **567**—ch 42 Appendix C
Inorganic chemicals **567**—41.3, 42.3(3)*f*(2)"2," ch 42 Appendixes A,C, 43.3(10)*b*, 83.3(2)*c*, 83.6(7)*a*(4)
Laboratory, certification **567**—41.2(3)*e*, 41.4(1)*g*, 41.6(1)*d*(3,4), ch 83

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Water quality
Supply
Contaminants, levels/analyses
Lead **567**—41.3(1)*e*(1), 41.4, 42.2, 42.3(3)*d*(2)"2," 42.4(2), 42.5(1)*b*, ch 42 Appendixes A–C, 43.1(2), 43.7, 83.6(7)*a*(5)
Macroscopic organisms **567**—41.2(4)
Methods, alternative **567**—41.12
Monitoring **567**—41.2–41.6, 41.8, 41.11–41.13, 41.15, 42.1(1,3), 42.2(5), 42.3(3)*c*, 42.4(2)*a*,*b*,*g*, 42.5(1)*g*, ch 42 Appendix B, 43.1(3), 43.3(7)*c*, 43.5(4,5), 43.6, 43.7(2)*g*, 43.7(3), 43.9(2,4), 43.9(5)*b*, 120.9(12), *see also Tests this subheading below*
Nitrates, *see Nitrates/Nitrites this subheading below*
Organic chemicals **567**—41.5, 42.3(3)*f*(2)"4," ch 42 Appendixes A,C, 43.3(10)*a*, 83.3(2)*c*, 83.6(7)*a*
PCBs (polychlorinated biphenyls) **567**—41.5(1)*b*(1), 41.5(1)*c*(3)"6," 41.5(1)*c*(8), ch 42 Appendixes A,C
Pesticides **567**—41.5(1)*b*(1), 41.5(1)*c*(3)"7," ch 42 Appendixes A,C, 43.3(10)*a*, 83.3(2)*c*, 83.6(7)*a*(3)
Petroleum **567**—ch 42 Appendix C p. 47,50,52, 120.9(12)
Radioactivity **567**—40.2, 41.8, 42.3(3)*f* "5," ch 42 Appendixes A,C, 43.3(10)*b*, 61.3(3)*c*(1), 83.3(2)*c*
Reports/notifications **567**—40.3(3), 40.7, 41.2(1)*c*(1,5), 41.2(3)*e*(2), 41.3(1)*a*(2,3), 41.3(1)*b*(2), 41.3(1)*c*(2)"4," 41.4(1)*c*(4)"4," 41.4(1)*c*(6)"2," 41.4(1)*d*, 41.4(1)*f*(5), 41.4(1)*g*(3), 41.6(1)*e*(4)"3," 41.6(1)*f*, 41.8(1)*a*(1,2), 41.11(1)*e*, 41.15, 42.1–42.4, 42.5(1)*d*, ch 42 Appendixes A,C, 43.5(1)*b*(3), 43.5(5,6), 43.6(1)*e*,*f*, 43.6(2)*d*,*e*, 43.6(3)*a*(2)"3," 43.7(1)*b*(2,3), 43.7(3)*b*(4,6), 43.7(4)*d*,*h*, 43.8, 43.9(2)*b*(6), 43.9(5), 43.10(4–7), 83.6(6), *see also Violations/Penalties: Notification this subheading below*
Sodium **567**—41.11(1)
Trihalomethanes (TTHM) **567**—40.2, 41.5(1)*a*,*b*, 41.6(1)*a*(3), 41.6(1)*b*, 41.6(1)*c*(1,4), 41.6(1)*e*(4), 42.3(3)*g*(6), ch 42 Appendixes A p.35, B "K,L," C p.53, 43.9(2)*a*, 43.10(6)*c*
Turbidity **567**—42.1(2)*a*(8), 42.1(3)*b*(2,3), 42.1(4)*b*(2), 42.4(3)*c*(1), ch 42 Appendixes A,B"F,G," C p.44, 43.3(7)*c*(3), 43.5(1,3–5), 43.9(3–5), 43.10(4–7)
Vinyl chloride **567**—41.5(1)*b*, 41.5(1)*c*(2)"10," ch 42 Appendixes A,C, 43.3(10)*a*
Waivers/allowances **567**—41.5(1)*c*(2)"6–9," 42.2(4)*g*,*h*, 42.3(4)*c*,*d*

Corrosion, *see Treatment this subheading below*
Definitions **567**—38.1, 39.3, 40.2, 42.3(3)*b*, 43.8(1), 44.4, 49.2, 81.1
Disease, *see DISEASES*
Disinfection **567**—40.2, 41.2(1)*c*,*d*, 41.2(3) 41.6, 42.1(1), 42.3(3)*b*, 42.4(3), ch 42 Appendixes A,B p.37,38,40,42, C p.43,44, 43.3(10)*c*, 43.5, 43.6, 43.9, 43.10, ch 43 Appendix A, 83.6(7)*a*(6)
Fees, operation **567**—40.4(1,3), 40.5, 43.2(1), *see also Treatment: Operators, Certification this subheading below*
Filtration, *see Treatment this subheading below*
Fluoride **567**—41.3(1), 42.1(1), 42.1(4)*a*(4), 42.1(7)*b*, 42.4(3)*a*(2)"5," ch 42 Appendixes A–C p.31,38,47, 83.3(2)*c*, 83.6(7)*a*(4)
Hazards **567**—43.1(1), 43.3
Interconnected systems **567**—41.13
Landfills, separation distance **567**—112.26(1)*m*, 113.6(2)*j*, 113.6(4)*e*(6)"10," 114.26(1)*m*, 115.26(1)*m*
Nitrates/nitrites **567**—41.3(1), 42.1(1), 42.1(2)*a*(3–5), 42.1(4)*b*(2), 42.1(7)*c*, 42.3(3)*g*(3,4), ch 42 Appendixes A, B"J," C p.32,47, 83.6(7)*a*(4)
Noncommunity
Generally **567**—40.2, 41.2(1)*c*(1)"5," 41.2(4), 41.3(1)*c*(5,6), 42.1(1), 42.1(3)*c*(2), 42.1(6)*b*, 42.4(3), 43.1(5), 43.2(1)*a*, 43.5(2)
Nontransient/transient **567**—40.2, 41.3(1)*a*,*c*, 41.4, 41.5(1), 41.5(1)*c*(2)"4,6,9," 41.5(1)*c*(3)"4," 41.6(1)*a*,*b*, 41.6(1)*c*(3), 42.1(3)*c*(2), 42.1(7)*b*(1), 42.2(1), 42.2(4)*d*,*e*, ch 42 Appendix B, 43.1(5), 43.2(1)*a*, 43.8(4–6), 81.1, 81.5(1), 81.6(1)*b*

Nonpublic **567**—ch 49, *see also WELLS*
Nonregulated, interference **567**—ch 54
Permits
See also Withdrawals/Diversions/Storage this subheading below
Construction **561**—1.2(2), 1.3(2)*g*(1); **567**—chs 9, 38, 40.1, 40.3(1), 40.4, 42.5(1)*e*, 43.3(3,6,7,9), 43.8(4,7), 49.4
Operation **561**—1.2(2), 1.3(2)*g*(1); **567**—40.3(2), 40.5, 42.1(9), 42.4(3)*a*(2), 42.5(1)*e*, ch 42 Appendix B"II," 43.2, 43.8(4,7), 83.1(1), *see also WELLS*

ENVIRONMENTAL PROTECTION COMMISSION (cont'd)
Water quality
Supply

Pipes/mains/service lines **567**—ch 9, 42.4(2)*e*, 43.1(2,4), 43.3(2)*a*, 43.3(3)*c*(3,4), 43.3(3)*e*, 43.3(6), 43.7(4)
Private **567**—ch 38, 40.1, 52.10(3)*i*, *see also Nonpublic this subheading above*
Public, *generally* **567**—38.1, chs 40–44, 52.4(4)*d*, 52.10(3)*h*, ch 81
Records **567**—42.2(2), 42.4(3), 42.5, 43.1(7), 43.5(1)*b*, 43.5(6)*c*, 43.9(4)*a*, 43.9(5), 43.10(2,3,5,7), 44.10(2)
Reports **567**—40.4(2)*a*, 43.3(5), 43.5(1)*b*(3), 43.5(3)*e*, 43.5(6), 44.12, *see also subheadings Contaminants, Levels/Analyses above; Surveys, Sanitary below*
Safe drinking water
Act **567**—40.1, 40.2, 41.5(1)*c*(5), 43.1(3)*d*(1), 43.2(5), 43.8(1), 44.2, 44.5, 44.6
Hotline **567**—42.3(3)*c*(3), 42.3(3)*f*(4), 42.3(3)*g*(1,5), 43.6(1)*d*(1), 43.6(2)*c*(1)
Sodium **567**—41.11(1)
Surveys, sanitary **567**—42.5(1)*d*, 43.1(7)
Tests **567**—42.4(1)*a*, 42.4(3)*b*(1)"4," 43.7(2)*c*(1–3), 82.12(5), *see also subheadings Aquifers above; Contaminants, Levels/Analyses: Monitoring above*
Treatment, *see Treatment this subheading below*
Variances, construction **567**—40.4, 43.3(2)*c*, *see also Contaminants, Levels/Analyses this subheading above*
Violations/penalties
Fees, late **567**—43.2(1)*f*
Monitoring **567**—41.2(1)*c*(5), 41.3(1)*c*(3)"8," 41.3(1)*c*(4)"7," 41.5(1)*c*(2)"11," 41.5(1)*b*(2), 41.5(1)*c*(3)"8," 41.6(1)*c*(1)"3,4," 41.6(1)*e*(1)"1," 41.6(1)*e*(4)"2," 41.8(1)*c*(2), 41.8(1)*f*(7), 42.1, 42.3(3)*d*, 43.6(1)*c*, 43.6(2)*d*(2), 43.9(4)*b*, 43.10(5)*b*
Notification **567**—41.2(1)*b*, 41.2(1)*c*(5), 41.5(1)*b*(2), 41.6(1)*e*(2,3), 41.6(1)*e*(4)"3," 42.1, 42.3(3)*d*, 43.5(5), 43.6(1)*a*(5)"3," 43.6(1)*e*(2,3), *see also Contaminants, Levels/Analyses: Reports/Notifications this subheading above*
Permits **567**—38.9, 38.12, 42.1(3)*a*(3), 42.3(3)*d*(5), 43.2(8)
Records/reports **567**—42.3(1), 42.5(1)*c*, 43.2(8)*d*
Treatment techniques/equipment **567**—41.14, 42.1(1), 42.1(2)*a*(8), 42.1(3)*a*(1), 42.1(3)*b*, 42.1(5)*c*(1), 42.3(3)*c*(1)"10," 42.3(3)*d*, ch 42 Appendix A p.35, 43.3(4)*b*(3), 43.5(2), 43.5(3)*a*, 43.5(5), 43.6(1)*a*(3)"4," 43.6(2)*d*(2), 43.6(3)*a*(2)"3," 43.6(3)*b*(4)"1," 43.7(4)*a*, 44.7(7)
Viability assessments **567**—43.8(2)
Wells, *see WELLS*

Surface sources
Definition **567**—40.2
Monitoring **567**—41.2(1)*c*(1)"5," 41.3(1)*c*(2)"2," 41.3(1)*c*(3)"9," 41.3(1)*c*(4) "1,4,8," 41.3(1)*c*(5)"1,3," 41.3(1)*c*(9), 41.4(1)*e*(4,5), 41.4(1)*f*(1), 41.5(1)*c*(2)"2,4,9,10," 41.5(1)*c*(3)"2," 41.6(1)*c*(1)"6," 43.3(7)*c*(3), 43.5(4)*b*, 43.6, 112.26(3,4), 113.10(3), 114.26(3,4), 115.26(3,4)
Protection **561**—1.2(12); **567**—41.5(1)*c*(7)"3," chs 53, 61, 112.28(2)*b*, 113.10(1,3), 114.28(2)*c*, 115.28(1)*c*, 120.7(5), 135.9(10)
Reports/records **567**—43.5(6), 43.9(5), 43.10(6)
Standards, land recycling program **567**—137.4, 137.5(1,6,8), 137.6(2,8)
Treatment **567**—41.2(1)*d*(4), 41.2(3), 41.6, ch 42 Appendix A, 43.5, 43.9, 43.10

Treatment
Best available technology (BAT) **567**—41.2(1)*d*, 43.3(10)
Corrosion control **567**—41.4, 42.2(2)*a*, 42.4(2)*c*, ch 42 Appendix B"M," 43.7(1,2)
Disinfection, *see Supply this subheading above*
Facilities **567**—ch 44, 71.5, 72.8, ch 81
Filters/filtration **567**—41.2(1)*d*(4), 41.2(3), 42.3(3)*d*(2), 43.3(9), 43.5, 43.9, 43.10
Loans, facilities **567**—40.2, 40.6, ch 44
Noncentralized devices **567**—43.1(3)
Operators, certification **567**—43.1(5), ch 81
Plants/distribution systems, grades **567**—81.1, 81.2, 81.4–81.6
Wastewater, *see Wastewater Treatment/Disposal above*

Waterways, *see Flood Plains above; Streams, Protected this subheading above*

Wells, *see WELLS*
Withdrawals/diversions/storage
Permits **561**—1.2(12), 1.3(2)*g*(1)"3"; **567**—49.4, 50.3–50.5, 50.6(1,4,6,7), 50.7, 51.2, 51.5–51.7, 52.2–52.6, 52.9(3), 52.21, 53.1, 53.5–53.7
Registration **567**—50.6(1)*a*(2), 51.6(5,6)
Well interference **567**—49.7(3), 50.2, 50.6(1)*a*, 50.7(2), 52.6(4), ch 54

EPILEPSY
Driver's license **761**—600.4(4), 605.5(6)*c*

EQUAL RIGHTS
See also DISCRIMINATION; HEALTH CARE FACILITIES: Residents: Rights
Affirmative action, *see EMPLOYMENT: Affirmative Action/Equal Opportunity*
Civil rights, *see CIVIL RIGHTS*

EQUINE
See HORSES; RACING AND GAMING

EROSION
See SOIL; SOIL CONSERVATION DIVISION

ESCALATORS
See ELEVATORS

ESTATES
Life, purchase, medical assistance eligibility **441**—75.23(11)
Medical assistance recovery **441**—76.12(7)
Uniform Commercial Code (UCC) documents **721**—30.3(2)*d*
Taxation, *see TAXATION*

ESTHETICIANS
See COSMETOLOGY AND COSMETOLOGISTS

ETHANOL
See FUEL

ETHICS AND CAMPAIGN DISCLOSURE
See also ELECTIONS; POLITICS
Advertising, political **351**—4.25(1)*a–e*, 4.44, *see also Committees, Campaign: Attribution Statements below*
Ballot issues **351**—1.4(5), 4.1(5), 4.9(14), 4.13(4), 4.25(2)*d*, 4.27(1), 4.38, 4.39(1)*e*, 4.53(1,3), *see also Committees, Campaign below*
Board
Address **351**—1.3(1), 4.8, 4.24(3), 4.30(2), 4.32(4), 4.35(2), 4.55(2), 4.62(1)
Advisory opinions **351**—1.2, 1.3, 6.4(1), 8.19
Complaints, *see Complaints below*
Conflict of interest **351**—1.4(9,11)
Contested cases, *see Hearings this subheading below*
Declaratory orders **351**—1.3(6), 5.6(2), 6.4(2), ch 12
Discipline **351**—2.18(2), 9.3, 9.4
Ethics **351**—1.4
Forms, *see Forms below*
Hearings **351**—4.25(1)*q*, 4.41(4), 4.60, 4.61, 6.12(4), 8.13, 9.4–9.6, ch 11, 15.9
Meetings **351**—1.1(2–4)
Organization **351**—1.1
Reports **351**—2.18, *see also Committees, Campaign below*

Rule making **351**—2.15(1), chs 13–15
Sales, goods/services **351**—1.4(9)

Committees, campaign
Accounts, financial **351**—4.5
Assets transfer **351**—4.26
Attribution statements **351**—4.1(1)*a*(4), 4.11(1), 4.38, 4.41
Ballot issues **351**—4.1(1)*a*(2), 4.1(1)*c*, 4.3, 4.7(3,4), 4.9(12), 4.13(4), 4.32(2)*h*, 4.38(4), 4.53(4), 4.54(2), 4.57, 4.59(2), 4.62(2)
Candidates **351**—4.1(1)*a*, 4.2(2,3), 4.3–4.5, 4.7, 4.9, 4.15(5), 4.19, 4.26, 4.33, 4.35(1)*c*, 4.36, 4.37(2)*f*, 4.38(2), 4.44, 4.46, 4.47, 4.54
Consultants **351**—4.19
Contributions
See also Funds, Election Campaign below
Anonymous **351**—4.30
Building fund account **351**—4.24
Carryovers **351**—4.7(3,4)
Corporate involvement **351**—4.24, 4.44(5,6), 4.50–4.52, *see also Corporations below*
Deposit, electronic transfer **351**—4.52(2)
Earmarked **351**—4.33
Foreign nationals **351**—4.28
Freewill **351**—4.14(4)
Identity requirements **351**—4.30, 4.31, 4.33
Independent expenditures **351**—4.27, 4.28, 4.50(1,5,6), 4.53, 4.59(7)
In-kind **351**—1.4(1,3), 4.13(1), 4.17, 4.20, 4.53(2), 4.62(3)
Lobbyists **351**—8.15
Minors **351**—4.29
Out-of-state **351**—4.32
Permanent organizations **351**—4.1(1)*c*, 4.9(13), 4.35, 4.59(8)
Receipt date **351**—4.14(2,4), 4.17(2)
Records **351**—4.37(2)
Refunds **351**—4.14(9), 4.25(1)*y*, 4.35(5)
Reports, *see Reports, Filing this subheading below*
Soliciting **351**—2.18
Trusts **351**—4.31

Corporate-sponsored **351**—4.45
Debts **351**—4.16, 4.26(2), 4.47(7), 4.54, 4.55
Defined **351**—4.1(1)*a*
Dissolution **351**—4.23, 4.35, 4.37(2), 4.47(7), 4.54, 4.55
Expenses **351**—3.5, 3.6, 4.15, 4.19, 4.20, 4.25, 4.36, 4.52
Incorporation **351**—4.50(7)
Loans **351**—4.1(1)*c*, 4.15(8), 4.16, 4.18, 4.26(2), 4.47(7), 4.54
Name **351**—4.2
Officers **351**—1.4(2,4), 4.4(1)
PACs (political committees) **351**—ch 4; **481**—100.1, 100.30(4)
Property
Corporate **351**—4.44, 4.47
Disposition **351**—4.20(2), 4.54
Inventory **351**—4.20

Records **351**—4.37, 4.52(2)
Refunds **351**—4.15(7), *see also Contributions this subheading above*

Registration **351**—4.1(1), 4.11, 4.31(3)
Reports, filing
See also Funds, Election Campaign below; Statements of Organization below
Amendments **351**—4.23
Ballot issue committees **351**—4.7(3,4), 4.9(12), 4.59(5)
Bank statement **351**—4.21, 4.54
Building fund, state party **351**—4.24
Consultant expenditures **351**—4.19
Copies **351**—4.34, 4.37
Corporations, political **351**—4.50(7)
County candidates/political committees **351**—4.8(2,3), 4.9(3,7), 4.35(1)
Delinquent **351**—4.11, 4.35, 4.58, 4.59, 9.4(5), 15.2
Dissolution **351**—4.23, 4.54, 4.55
Due date **351**—4.7(1), 4.9, 4.10, 4.12, 4.24(4), 4.59(8)
Errors **351**—4.22
Forms/schedules **351**—4.1, 4.8, 4.11, 4.13–4.20, 4.23, 4.24, 4.31(3), 4.32, 4.35, 4.36, 4.55(1), 4.59(8)
General assembly **351**—4.9(2,8) , 4.14(6), 4.59(3–5)
Identification numbers **351**—4.14(6), 4.15(5)
Information, use **351**—2.10(2)*f*(1), 2.18
Internal revenue, 527 committees **351**—4.34
Location **351**—4.8, 4.24(3), 4.35(2), 4.55(2)
Municipal/school elections **351**—4.8(2,3), 4.9(4,5,10,11), 4.13(4), 4.21(2), 4.55(5)
Out-of-state **351**—4.32(6), 4.59(6)
Permanent organizations, *see Committees, Campaign: Contributions*
State political party/committee **351**—3.8, 4.9(6,8), 4.14(6), 4.15(5), 4.24, 4.59(3–5)
Treasurer, notification **351**—4.5(4)
Trusts **351**—4.31(3)
Verification **351**—4.22
Statements of organization **351**—4.1–4.4, 4.5(3), 4.6, 4.11, 4.23, 4.31(3), 4.32, 4.35, 4.38(4)
Temporary **351**—4.35
Types **351**—4.3(1)
Violations **351**—4.22(2), 4.24(5), 4.35(4), *see also Complaints below; Penalties/Violations below*

Complaints **351**—5.7, 6.3, 6.12(6), 8.15(3), 8.16(3), 8.17(5), 8.18(3), ch 9, *see also Board: Hearings above*
Confidential information **351**—6.9
Conflict of interest **351**—6.12(2)*e*, *see also Board above*
Contributions, *see Committees, Campaign above*
Corporations
Contributions, *see Committees, Campaign above*
Creditors, debt settlement **351**—4.54
Employee organizations, political committees **351**—4.52
Entities **351**—4.44–4.47, 4.49, 4.50, 4.52
Media **351**—4.51
Political **351**—4.50

Definitions **351**—2.1, 3.6, 4.1, 4.9(13,14), 4.19, 4.20, 4.23, 4.27(1), 4.28(1), 4.32, 4.39, 4.44, 4.51(1), 4.53, 4.59(6), 5.3, 6.2, 6.8, 6.11(2), 6.14(1), 6.19(1), 6.20(1), 9.6, 11.2, *see also Lobbyists, Executive Branch below*
Employees/officials, state
Activities, political **351**—5.8
Complaints **351**—9.6
Confidential information **351**—6.9
Executive branch **351**—ch 6
Honorariums **351**—6.19

Personal finances **351**—2.10(2)*f*(3), 2.15(11), ch 7, 9.4(5)
Property, public, misuse **351**—6.8
Sales/leases, goods/services **351**—1.4(9), 6.10–6.12
Services, state opposition **351**—6.14

Expenditures
Committees, *see Committees, Campaign above*
Coordinated **351**—4.53(4)
Independent, *see Committees, Campaign: Contributions above*

Forms **351**—4.1, ch 7, 8.20, 9.1(1), *see also Committees, Campaign: Reports, Filing above*
Funds, election campaign
See also Committees, Campaign: Contributions above
Accountability **351**—3.5(3)
Checkoff, tax **351**—3.1, 3.2, 3.8; **701**—43.4(2)
Deposits, financial institutions **351**—4.5, 4.52
Eligibility **351**—3.7
Expenses, *see Committees, Campaign above*
Independent expenditures, *see Committees, Campaign: Contributions above*
Party distribution **351**—3.2, 3.5
Public resources **351**—ch 5
Reports **351**—2.15(9,10), 3.3, 4.24, 4.30, 4.31, 4.33, *see also Committees, Campaign above*
Transfers **351**—3.4, 4.26
Trusts **351**—4.31
Withdrawals **351**—4.36

Gambling licensees, political parties/organizations, verification **481**—100.30(4)*b*
Hearings, *see Board above; Complaints above*
Lobbyists, executive branch
Generally **351**—ch 8
Definitions **351**—6.20(1), 8.1, 8.2, 8.4–8.6
Exceptions **351**—6.20(3), 8.3, 8.15(2)
Penalties **351**—8.11–8.14, 9.4(5)
Prohibitions **351**—6.20, 8.5, 8.15–8.18
Registration **351**—2.15(10), 8.7
Reports **351**—2.10(2)*f*(12), 2.15(10), 8.8, 8.9, 8.11, 8.12, 8.20(2), 9.4(5)

Penalties/violations **351**—4.11(2), 4.24(5), 4.25(1)*q*, 4.35(4), 4.41, 4.58–4.62, 7.5–7.8, 8.11, 8.12, ch 9, 15.2, *see also Lobbyists, Executive Branch above*
Permanent organizations, *see Committees, Campaign: Contributions above*
Records
Generally, public/fair information **351**—ch 2
Confidential **351**—2.1, 2.4, 2.5, 2.7, 2.9(2,3), 2.11, 2.12, 2.13(2,3), 2.15, 6.9
Disclosure **351**—2.7, 2.9–2.11, 2.12(1)*b*
Open **351**—2.1, 2.9, 2.10(2)*f*, 2.13(1), 2.15, 6.12(5), 8.20

Sales, goods/services, *see Employees/Officials, State above*
Violations, *see Complaints above; Penalties/Violations above*
Waivers **351**—4.21(6), 4.55(5), 4.60, 7.6, 8.12, 15.2

EXCISE TAX
See TAXATION

EXECUTIVE COUNCIL
Civil reparations trust fund **361**—ch 12
Deferred compensation program **361**—ch 5
Disaster contingency **361**—ch 7

Disclosure, financial **361**—ch 9
Ethics, complaints **361**—ch 10
Health maintenance organizations (HMOs) **361**—ch 6
Insurance, health benefit programs **11**—64.1–64.4
Lobbyists, registration **361**—ch 8
Taxation, inheritance, credits **361**—ch 11

EXHIBITS
See FAIRS

EXPLOSIVES
Accidents/losses **661**—235.5(4,5)
Boilers/pressure vessels **875**—90.11
Chemicals, safety **875**—140.4
Hazardous material, transporting, *see CARRIERS*
Hunting/fishing **571**—83.4, 94.7(1), 98.12(1), 99.8(1), 106.7(1)
Inventory **661**—235.6
Law enforcement agencies, disposition **661**—95.10
License, commercial firms/blasters **661**—ch 235
Occupations, child labor **875**—32.8(1)
Package inspection, radiation training exemption **641**—45.1(10)*i*
Sanitary landfills **567**—112.26(15), 113.9(2), 114.26(15), 115.26(15)
Standards, fire safety **661**—ch 231
Students, offenses **281**—11.3(1)
Tanks, underground storage, vapors, *see ENVIRONMENTAL PROTECTION COMMISSION*
Taxation **701**—16.5
WIC vendors, violations **641**—73.19(2)*e,f*

EXPORTS
Endangered species **571**—77.4
Ginseng **571**—78.5
Motor fuel, tax exemption **701**—68.3
Taxation, local option **701**—107.3(2)*c*
Trade assistance **261**—ch 72

EYES
See also OPTOMETRISTS AND OPTOMETRY
Eyeglass lenses, impact-resistant **641**—ch 121
Infants, ophthalmia prophylactics **641**—1.7
Medical assistance, *see HUMAN SERVICES DEPARTMENT*
Prescriptions **645**—182.3, 182.4; **701**—18.22