



MINUTES

SEPTEMBER 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair
Senator Mike Boussetot
Senator Dan Dawson
Senator Sarah Trone Garriott
Senator Cindy Winckler

Representative Chad Ingels, Chair
Representative Amy Nielsen
Representative Rick L. Olson
Representative Michael V. Sexton
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Stan Thompson, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Natalie Sherman, Legal Counsel, 515.725.2299

BULLETINS NEEDED FOR THIS MEETING: 8/6/25, 8/20/25, 9/3/25

Procedural Business

Representative Ingels convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10 a.m. on Monday, September 8, 2025, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the July 14, 2025, meeting were approved. The next meeting was scheduled for October 13, 2025, at 10 a.m. The meeting was adjourned at 11:30 a.m.

Fiscal Overview

Mr. Chris Ubben, Division/Editor Supervisor, presented the LSA fiscal report.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 9458C (NOIA), Debarment From Participation in Authority Programs and Transactions, Ch. 2

Committee members asked about the process used to develop the rulemaking and whether any other programs were referenced. Ms. Connell responded that initially the federal debarment process prompted the rulemaking. She stated that there were limited circumstances where the rulemaking would apply, and the rulemaking dictated how information flows between the authority and individuals or entities proposed to be debarred.

No action taken on ARC 9458C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

Representing the agency: Colin Tadlock

ARC 9455C (AFE), State Licensed Warehouses and Warehouse Operators, Ch. 90

No discussion on ARC 9455C. Note: ARC 9555C, 9556C, and 9557C were reviewed collectively.

WORKFORCE DEVELOPMENT DEPARTMENT

Representing the agency: Brooke Axiotis

ARC 9528C (NOIA), Apprenticeship Training Program, Ch. 65

Note: ARC 9528C, 9529C, and 9530C were reviewed and discussed collectively.

Committee members asked about the purpose of the rulemaking. Ms. Axiotis explained that the rulemaking removed any language that mirrored the Iowa Code, and contained the provisions necessary to implement the program, including the application process and eligibility criteria.

No action taken on ARC 9528C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Jeremiah Junker

ARC 9498C (AF), Swimming Pools, Spas, and Spray Pads, Ch. 15

Committee members asked what changes were made to the rulemaking based on public comments. Mr. Junker responded that a majority of the comments came from engineers in the pool and spa industry who wanted the rules to be more restrictive. The department informed the commenters that Executive Order 10 prohibited the rulemaking from being more restrictive.

Committee members asked about agreements between county boards of health (county boards) and the department to enforce the rulemaking. Mr. Junker responded that the rulemaking provided the department the power to contract with county boards, and each agreement entered into granted inspection and enforcement authority. Members asked whether in the case of a local-level disagreement following a county board determination the rulemaking allowed an appeal directly to the department. He responded in the affirmative.

No action taken on ARC 9498C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Lori McDaniel, Eric Wicklund

ARC 9467C (AF), Private Sewage Disposal Systems, Ch. 69

Mr. RG Schwarm, speaking on behalf of Planet Care Biofilters, stated that the rulemaking increased the threat to public safety and violated Executive Order 10. He stated that the current hierarchy for treatment systems existed because stakeholders had been proactive in recognizing how different types of devices performed under different circumstances, and safeguarded against unnecessary wastewater discharge. He further stated he had provided the department with studies demonstrating that packed bed filters (PBFs) were more reliable than aerobic treatment units (ATUs). He requested a session delay to allow time to establish reliable data to inform the decision whether to change the hierarchy.

Ms. Jenna Nelson, on behalf of Premier Tech Water and Environment, and Waterloo Biofilter, spoke in support of a session delay. She stated that while the rulemaking may reduce costs in the short term the harm caused would be more costly over the long term.

Mr. Jim Carroll, a licensed engineer who designs on-site septic systems, spoke in opposition to the rulemaking. He stated that ATU testing had only been performed on city wastewater, not individual homeowner's wastewater. He explained that ATUs "burp" and no solution had been found to prevent burping in order to protect the environment.

Mr. John Watson, on behalf of Mr. Trevor Dickerson, an on-site wastewater professional, spoke in opposition to the rulemaking and stated that PBFs are more reliable than ATUs.

Mr. Nick Laning, on behalf of Infiltrator Water Technologies, spoke in support of the rulemaking and requested that the rules take effect without delay. He stated that ATUs have been approved in every other state and the federal standards protect public health. He explained that it would be difficult to collect current data because ATUs had not been installed in Iowa in recent years.

Ms. Sheryl Ervin, senior regulatory specialist at Infiltrator Water Technologies, stated that the rulemaking expanded access to all classifications of certified on-site wastewater treatment technologies, promoted equitable and cost-effective solutions, reduced regulatory burdens, and ensured responsible treatment and disposal of wastewater. She further stated that the rulemaking embraced scientific progress and practical experience, empowered property owners, and aligned Iowa with national best practices.

Ms. Aimee Devereaux, the Des Moines Area Community College Water Environmental Technology Training Coordinator; Ms. Katie Resor, owner of R&R Septic Solutions LLC; Mr. Chase Mayle, national sales representative at Norweco; Ms. Amber Meixner, co-owner of Fairfield Precast Concrete; Mr. Ed Schloss, sales manager at Jet Incorporated; Mr. Steve Johnson, director of field operations at Consolidated Treatment Systems; and Ms. Kimberly Grandinetti, Story County Environmental Health Director, spoke in support of the rulemaking.

Mr. Eric Dursky, Mahaska County sanitarian, spoke in support of the rulemaking. Committee members asked about the frequency of maintenance reports and the impact on new homeowners. He stated that a time of transfer report had to be completed when a new homeowner takes possession of a home and after a new maintenance contract had been executed. The sanitarian or maintenance provider would then provide training and information to the homeowner. Members asked about redundancy checks to ensure a system was operating properly. He responded that redundancy checks were made at the request of the homeowner. Members asked about ATUs. He responded that most ATUs had been around for years and should not be required to be replaced if properly maintained. Members asked if homeowners were required to have a maintenance provider for a septic system and how frequently reports had to be filed. He responded that homeowners must have a maintenance provider who files an annual report with a sanitarian.

Committee members asked when the rules were last reviewed and the hierarchy system was established. Mr. Wicklund responded that the rules were last reviewed in 2009 and the hierarchy system was established prior to that. Members asked why the hierarchy was initially established. He responded that initially only an ATU with a tertiary treatment was allowed. He stated that when ATUs were new the law required annual maintenance on all systems, or at the manufacturer's recommended frequency. Members asked if ATUs were allowed under the current hierarchy system. He responded that ATUs were allowed but had to be followed by a soil absorption system or a sand filter. He stated that a soil-based system must be used if possible. Members asked what research or data was relied upon to eliminate the secondary treatment requirement. He responded that no data or research was relied upon, but the intent of the rulemaking was to treat ATUs the same as any other system.

Committee members asked whether a session delay would impact current regulations or public health and safety. Mr. Wicklund responded that a session delay would result in ATUs needing additional treatment as was currently required. He stated that a session delay would have no impact on public health or safety. Members noted the number of failing septic systems in Iowa, the lack of reporting requirements for failing septic systems, and the impact on water quality. Members stated that the issue should be addressed by the General Assembly.

Session Delay

A motion for a session delay on ARC 9467C carried 8-2 on a roll call vote.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Denise Timmins

ARC 9469C (AF), Licensure of Nursing Home Administrators—Provisional License or Appointment, Rules 980.2(3), 980.4-980.7

Committee members asked if there were benchmarks for a provisional licensee's progress toward a nursing home administrator's license during the 24-month provisional license period. Ms. Timmins responded that if benchmarks were established, they would be determined by the board. Members requested that she provide the committee with information regarding any benchmarks for provisional licensees.

70-Day Delay

A motion for a 70-day delay on ARC 9469C carried unanimously on a roll call vote.