IOWA ADMINISTRATIVE BULLETIN

Published Biweekly VOLUME XLVII NUMBER 7
September 17, 2025 Pages 2051 to 2528

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Regulatory Analysis, Injured veterans grant program, ch 11 2395
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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)"a"]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)
441 IAC 79.1(1)"a"(1)"1"	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

Note: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

NOTICE: The Administrative Code Editor is evaluating the value of publishing this list of public hearings in the Iowa Administrative Bulletin. Public hearing information can also be found in each individual document as required by Iowa Code chapter 17A.

The Administrative Code Editor currently plans to **discontinue** publication of this list beginning with the October 15, 2025, Iowa Administrative Bulletin. Any users of this list are urged to email their feedback on its value by **October 1, 2025**, to: jack.ewing@legis.iowa.gov.

COLLEGE STUDENT AID COMMISSION[283]

Postsecondary institutions—federally recognized accreditation, 12.2, 12.5(3); court reporter equipment grant program, ch 19; approval of postsecondary schools, ch 21; rural Iowa primary care loan repayment program, rescind ch 24; mental health professional loan repayment program, rescind ch 31 IAB 9/17/25 **Regulatory Analyses**	Room B50 Grimes State Office Building Des Moines, Iowa	October 7, 2025 4 p.m.

ECONOMIC DEVELOPMENT AUTHORITY[261]

Information about virtual participation can be found at:
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Organization, ch 1; Iowa community development block grant program, ch 23; broadband forward and telecommuter forward certifications, ch 24; employee stock ownership plan formation assistance, ch 56 IAB 9/17/25 **ARC 9540C**, **ARC 9541C**, **ARC 9543C**, **ARC 9544C**	1963 Bell Avenue Des Moines, Iowa	October 7, 2025 9 to 9:15 a.m. October 9, 2025 2 to 2:15 p.m.
Seed investor tax credit program, ch 114; tax credits for investments in qualifying businesses, rescind ch 115; tax credits for investments in certified innovation funds, ch 116 IAB 9/3/25 **Regulatory Analyses**	1963 Bell Avenue Des Moines, Iowa	September 23, 2025 9:15 to 9:30 a.m.
Iowa film production incentive program and fund, ch 300 IAB 9/17/25 **Regulatory Analysis**	1963 Bell Avenue Des Moines, Iowa	October 7, 2025 9:15 to 9:30 a.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Red tape review, adopt chs 2, 5, 6; rescind ch 4 IAB 9/3/25 **Regulatory Analyses**	Yellow River Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa A meeting registration link will be provided prior to the hearing	September 24, 2025 1 to 2 p.m.
Fees, 30.3, 30.4, 30.6(2) IAB 9/17/25 **ARC 9539C**	Via videoconference call Contact: wendy.walker@dnr.iowa.gov	October 20, 2025 10 a.m.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Scope of title—definitions—rules of practice, ch 100 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: EO10_solidwaste@dnr.iowa.gov	October 7, 2025 1 p.m.
Sanitary disposal projects, adopt ch 101; rescind chs 106, 113 to 115 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: EO10_solidwaste@dnr.iowa.gov	October 7, 2025 2 p.m.
Solid waste management, adopt ch 102; rescind chs 108, 116 to 118, 120 to 122 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: EO10_solidwaste@dnr.iowa.gov	October 7, 2025 3 p.m.
Regional collection centers and satellite facilities, adopt ch 103; rescind chs 123, 211; solid waste planning and environmental management system, adopt ch 104; rescind ch 111; landfill alternatives financial assistance, adopt ch 109; rescind ch 209; used oil and filters; household batteries; packaging—heavy metal, rescind chs 119, 145, 213 IAB 9/17/25 **Regulatory Analyses**	Via videoconference call Contact: EO10_solidwaste@dnr.iowa.gov	October 8, 2025 9:30 a.m.
Hazardous conditions, adopt ch 105; rescind chs 131, 133, 137 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: shelly.nellesen@dnr.iowa.gov	October 7, 2025 9 a.m.
Beverage container deposits, ch 107 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: mary.klemesrud@dnr.iowa.gov	October 7, 2025 10 a.m.
Underground storage tank certification programs, ch 134 IAB 9/3/25 **Regulatory Analysis**	6200 Park Avenue, Suite 200 Des Moines, Iowa Also via videoconference call A link will be provided prior to the hearing	September 23, 2025 10 to 11 a.m.
Technical standards and corrective action requirements for owners and operators of underground storage tanks, ch 135 IAB 9/3/25 **Regulatory Analysis**	6200 Park Avenue, Suite 200 Des Moines, Iowa Also via videoconference call A link will be provided prior to the hearing	September 23, 2025 11 a.m. to 12 noon
Financial responsibility for underground storage tanks, ch 136 IAB 9/3/25 **Regulatory Analysis**	6200 Park Avenue, Suite 200 Des Moines, Iowa Also via videoconference call A link will be provided prior to the hearing	September 24, 2025 9 to 10 a.m.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Fees for transportation, treatment and disposal of hazardous waste, rescind ch 149 IAB 9/17/25 **Regulatory Analysis**	Via videoconference call Contact: matthew.graesch@dnr.iowa.gov	October 7, 2025 9 a.m.
Criteria for siting low-level radioactive waste disposal facilities, rescind ch 152 IAB 9/17/25 **Regulatory Analyses**	Via videoconference call Contact: EO10_solidwaste@dnr.iowa.gov	October 7, 2025 4 p.m.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Organization, ch 1 IAB 9/3/25 **Regulatory Analysis**	Geode Room 7900 Hickman Road, Suite 500 Windsor Heights, Iowa meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	September 23, 2025 9:15 a.m.
Uniform rules on agency procedure, adopt ch 2; rescind chs 3 to 6 IAB 9/3/25 **Regulatory Analysis**	Geode Room 7900 Hickman Road, Suite 500 Windsor Heights, Iowa meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	September 23, 2025 9:30 a.m.
Comprehensive emergency plan—standards adopted by reference, 7.3(4)"d" IAB 9/3/25 **ARC 9524C**	Geode Room 7900 Hickman Road Windsor Heights, Iowa meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	September 23, 2025 9 a.m. September 24, 2025 9 a.m.

HUMAN SERVICES DEPARTMENT[441]

Refugee cash assistance—time limit for eligibility, 60.7 IAB 9/3/25 **ARC 9525C**	Microsoft Teams Meeting ID: 247 784 930 693 5 Passcode: Fv9rK6s3 Microsoft Teams Meeting ID: 232 677 074 969 4 Passcode: 5no6Sg9w	September 23, 2025 10 to 10:30 a.m. September 23, 2025 2 to 2:30 p.m.
Enrollment and reenrollment, ch 76 IAB 9/17/25 **ARC 9551C**	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7 Microsoft Teams Meeting ID: 285 028 257 610 6 Passcode: 9tN9Cg9p	October 7, 2025 10 to 10:30 a.m. October 7, 2025 2 to 2:30 p.m.
SSA allowance, 81.13(2), 81.18, 82.16, 85.20; student abuse reports and investigations, ch 174; subsidized adoption maintenance rate, 201.5(6) IAB 9/17/25 **Regulatory Analyses**	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7	October 7, 2025 10 a.m.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Dental assistants—practical training in lieu of registration, amendments to chs 572, 574, 575, 577, 581 IAB 9/17/25 **Regulatory Analysis**	6200 Park Avenue Des Moines, Iowa	October 7, 2025 9 a.m.
Sign language interpreters and transliterators—license reactivation, 961.6 IAB 9/3/25 **ARC 9535C**	6200 Park Avenue Des Moines, Iowa	September 23, 2025 9 to 9:20 a.m.

IOWA FINANCE AUTHORITY[265]

Private activity bond allocation, ch 8 IAB 9/3/25 **ARC 9534C**	1963 Bell Avenue Des Moines, Iowa	September 23, 2025 8:45 to 9 a.m. September 25, 2025 3:15 to 3:30 p.m.
Water pollution control works and drinking water facilities financing program, ch 26; wastewater and drinking water treatment financial assistance program, ch 28; water quality financing program, ch 46 IAB 9/3/25 **ARC 9531C**, **ARC 9532C**, **ARC 9533C**	1963 Bell Avenue Des Moines, Iowa	September 23, 2025 9 to 9:15 a.m. September 25, 2025 3 to 3:15 p.m.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Contribution rates—sheriffs, deputy sheriffs, protection occupations, 4.6 IAB 9/17/25 **Regulatory Analysis**	7401 Register Drive Des Moines, Iowa Microsoft Teams link Meeting ID: 292 274 065 437 Passcode: PE2Zf2ey	October 14, 2025 11 to 11:30 a.m.

LAW ENFORCEMENT ACADEMY[501]

Certification of law enforcement officers, ch 3 IAB 9/3/25 **Regulatory Analysis**	7105 NW 70th Avenue Burma Road, Building 4640 Johnston, Iowa Online at: us06web.zoom.us/launch/edl?muid=835a969a-5787-4469-9cf6-9fd2bdecf61c Meeting ID: 841 4874 6481 Passcode: Rulemaking	September 24, 2025 9 to 10 a.m.

NATURAL RESOURCE COMMISSION[571]

Uniform rules on agency procedure, adopt chs 2, 5, 6; rescind chs 3, 4 IAB 9/3/25 **Regulatory Analyses**	Yellow River Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa	September 24, 2025 1 to 2 p.m.

NATURAL RESOURCE COMMISSION[571](cont'd)

Unprotected nongame, ch 76; commercial use of captive-reared waterfowl, ch 93; game harvest reporting and landowner-tenant registration, ch 95; hunting preserves, chs 104, 112, 115; help us stop hunger program, ch 116 IAB 9/3/25 **Regulatory Analyses**	Suite 200 6200 Park Avenue Des Moines, Iowa	September 23, 2025 12 noon to 1 p.m.
Endangered and threatened plant and animal species, ch 77 IAB 9/3/25 **Regulatory Analysis**	Via Google Meet or Zoom A meeting registration link will be provided prior to the hearing	September 24, 2025 10 a.m.
Ginseng harvesting and sale, ch 78 IAB 9/3/25 **Regulatory Analysis**	Suite 200 6200 Park Avenue Des Moines, Iowa	September 23, 2025 1 to 2 p.m.
Fish stocking and fees for private waters, rescind ch 79; fishing regulations, ch 81; commercial fishing, ch 82; scuba and skin spearing of rough fish, ch 83; promiscuous fishing, ch 84; turtles, ch 86; mussel regulations, ch 87; aquaculture, ch 89; aquatic invasive species, ch 90; restitution for pollution injury to wild animals, ch 113 IAB 9/3/25 **Regulatory Analyses**	Via Google Meet or Zoom A meeting registration link will be provided prior to the hearing	September 24, 2025 12 noon to 1 p.m.
Salvage of fish and game, ch 80 IAB 9/3/25 **Regulatory Analysis**	Via Google Meet A meeting registration link will be provided prior to the hearing	September 23, 2025 9 a.m.
Mobile radio transmitters, rescind ch 103 IAB 9/3/25 **Regulatory Analysis**	Via Google Meet A meeting registration link will be provided prior to the hearing	September 23, 2025 9 a.m.
Natural resources collector permits: research, education, and wildlife rehabilitation, ch 111 IAB 9/3/25 **Regulatory Analysis**	Suite 200 6200 Park Avenue Des Moines, Iowa	September 23, 2025 2 to 3 p.m.

NATURAL RESOURCES DEPARTMENT[561]

Uniform rules on agency procedure, adopt chs 2, 5, 6; rescind ch 4 IAB 9/3/25 **Regulatory Analyses**	Yellow River Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa	September 24, 2025 1 to 2 p.m.

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

Agency realignment, rescind chs 1 to 4, 9, 11, 13, 16, 17 IAB 9/3/25 **Regulatory Analysis**	Via videoconference Contact: USTEO10@dnr.iowa.gov	September 24, 2025 2 to 3 p.m.

PRESERVES, STATE ADVISORY BOARD FOR[575]

Agency realignment, transfer ch 1; rescind chs 2, 3 IAB 9/3/25 **Regulatory Analysis**	Via videoconference Contact: john.pearson@dnr.iowa.gov	September 24, 2025 10 a.m.

PUBLIC HEALTH DEPARTMENT[641]

Brain injury services program, ch 56; tobacco use prevention and control community partnership initiative, rescind ch 151 IAB 9/3/25 **ARC 9526C**, **ARC 9527C**	Microsoft Teams Meeting ID: 247 784 930 693 5 Passcode: Fv9rK6s3 Microsoft Teams Meeting ID: 232 677 074 969 4 Passcode: 5no6Sg9w	September 23, 2025 10 to 10:30 a.m. September 23, 2025 2 to 2:30 p.m.
State-funded family medicine obstetrics fellowship program; medical residency training state matching grants program; center for rural health and primary care; Iowa needs nurses now infrastructure account, rescind chs 106, 108, 110, 111 IAB 9/17/25 **ARC 9550C**	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7 Microsoft Teams Meeting ID: 285 028 257 610 6 Passcode: 9tN9Cg9p	October 7, 2025 10 to 10:30 a.m. October 7, 2025 2 to 2:30 p.m.
Service program operations, 132.3(4) IAB 9/17/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7	October 7, 2025 10 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Fire fighter training and certification, ch 251 IAB 9/3/25 **Regulatory Analysis**	Conference Room 125 Oran Pape State Office Building Des Moines, Iowa	September 23, 2025 9 to 9:30 a.m.

REVENUE DEPARTMENT[701]

GovConnectIowa, 6.4, 7.3 IAB 9/17/25 **ARC 9573C**	Via videoconference call meet.google.com/pvu-ntmq-msf	October 7, 2025 8:30 to 9 a.m.
Device excise tax, ch 235 IAB 9/17/25 **ARC 9570C**	Via videoconference call meet.google.com/ydm-bptq-irq	October 7, 2025 9:30 to 10:30 a.m.
Mixed drinks or cocktails, 1000.19, 1000.22 IAB 9/17/25 **ARC 9554C**	Via videoconference call meet.google.com/xik-mosn-ope	October 7, 2025 2 to 2:30 p.m.
Dishonored payment for alcoholic liquor; disputed beer barrel and wine gallonage taxes, 1000.28, 1000.32 IAB 9/17/25 **ARC 9555C**	Via videoconference call meet.google.com/yyw-auru-kzv	October 7, 2025 3 to 3:30 p.m.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Organization and procedures, ch 1 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 3:30 p.m.
Petitions for rulemaking, ch 2 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442	October 8, 2025 2 p.m.
Declaratory orders, ch 3 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442	October 8, 2025 2:30 p.m.
Agency procedure for rulemaking, ch 4 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442	October 8, 2025 3 p.m.
Fair information practices, ch 6 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442	October 8, 2025 3:30 p.m.
County commission of veteran affairs fund and training program, ch 7 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 2:30 p.m.
Contested cases, ch 8 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 3 p.m.
War orphans educational assistance fund, rescind ch 9 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 1:30 p.m.
Injured veterans grant program, ch 11 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 2 p.m.
Vietnam conflict veterans bonus, rescind ch 13 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 4 p.m.
Limited residency Vietnam conflict veterans bonus, rescind ch 16 IAB 9/17/25 **Regulatory Analysis**	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#	October 28, 2025 4:30 p.m.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Definitions, ch 48 IAB 9/17/25 **Regulatory Analysis**	Microsoft Teams link Meeting ID: 276 533 632 652 0 Passcode: fT2oG6oD Dial in: 1.469.998.6043 Conference ID: 799 171 69#	October 7, 2025 9:30 a.m.
Employment and training services divisions, ch 49 IAB 9/17/25 **Regulatory Analysis**	Microsoft Teams link Meeting ID: 223 165 732 506 0 Passcode: Nu3pP9C6 Dial in: 1.469.998.6043 Conference ID: 951 889 764#	October 7, 2025 10 a.m.
Iowa workforce investment Act program, rescind ch 53 IAB 9/17/25 **Regulatory Analysis**	Microsoft Teams link Meeting ID: 221 234 437 878 3 Passcode: yG7WS6NU Dial in: 1.469.998.6043 Conference ID: 909 268 967#	October 7, 2025 9 a.m.
Placement, rescind ch 54 IAB 9/17/25 **ARC 9545C**	Microsoft Teams link Meeting ID: 299 377 396 359 7 Passcode: M6rV3bm2 Dial in: 1.469.998.6043 Conference ID: 202 030 249#	October 7, 2025 8:30 to 9 a.m.
	Microsoft Teams link Meeting ID: 297 311 346 053 3 Passcode: xi2Bz2yB Dial in: 1.469.998.6043 Conference ID: 757 249 619#	October 7, 2025 1 to 1:30 p.m.
Youth affairs, rescind ch 56 IAB 9/17/25 **ARC 9546C**	Microsoft Teams link Meeting ID: 270 115 501 784 6 Passcode: wJ674Fs2 Dial in: 1.469.998.6043 Conference ID: 447 784 914#	October 7, 2025 9 to 9:30 a.m.
	Microsoft Teams link Meeting ID: 298 967 106 301 2 Passcode: 5MK6Te7j Dial in: 1.469.998.6043 Conference ID: 652 652 962#	October 7, 2025 1:30 to 2 p.m.
Work force investment program, rescind ch 57 IAB 9/17/25 **ARC 9547C**	Microsoft Teams link Meeting ID: 248 717 876 918 2 Passcode: pu3gU3wf Dial in: 1.469.998.6043 Conference ID: 780 797 363#	October 7, 2025 9:30 to 10 a.m.
	Microsoft Teams link Meeting ID: 288 476 801 327 5 Passcode: pS6vi23K Dial in: 1.469.998.6043 Conference ID: 269 285 981#	October 7, 2025 2 to 2:30 p.m.

WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

Iowa job training partnership program, rescind ch 58 IAB 9/17/25 **ARC 9548C**	Microsoft Teams link Meeting ID: 280 975 076 066 6 Passcode: nx79kq2o Dial in: 1.469.998.6043 Conference ID: 562 955 065#	October 7, 2025 10 to 10:30 a.m.
	Microsoft Teams link Meeting ID: 284 343 137 311 0 Passcode: aW3D9fs9 Dial in: 1.469.998.6043 Conference ID: 736 074 423#	October 7, 2025 2:30 to 3 p.m.
Mentor advisory board, rescind ch 59 IAB 9/17/25 **ARC 9549C**	Microsoft Teams link Meeting ID: 286 614 085 108 2 Passcode: dT7JB64W Dial in: 1.469.998.6043 Conference ID: 560 461 530#	October 7, 2025 10:30 to 11 a.m.
	Microsoft Teams link Meeting ID: 267 562 529 904 3 Passcode: Zs3pv6EL Dial in: 1.469.998.6043 Conference ID: 178 305 196#	October 7, 2025 3 to 3:30 p.m.
Strategic workforce development fund, rescind ch 61 IAB 9/17/25 **ARC 9552C**	Microsoft Teams link Meeting ID: 212 430 258 746 4 Passcode: q3HA9P8g Dial in: 1.469.998.6043 Conference ID: 970 247 527#	October 7, 2025 11 to 11:30 a.m.
	Microsoft Teams link Meeting ID: 265 473 286 085 0 Passcode: XT3wp27a Dial in: 1.469.998.6043 Conference ID: 566 273 934#	October 7, 2025 3:30 to 4 p.m.
Workforce development fund, ch 64 IAB 9/17/25 **ARC 9542C**	Microsoft Teams link Meeting ID: 254 482 638 403 Passcode: nP7mW2Ey Dial in: 1.469.998.6043 Conference ID: 321 967 977#	October 7, 2025 9 to 9:30 a.m.
	Microsoft Teams link Meeting ID: 227 120 507 070 8 Passcode: 5Hd7gR2K Dial in: 1.469.998.6043 Conference ID: 458 930 561#	October 7, 2025 1 to 1:30 p.m.
Apprenticeship training program, ch 65 IAB 9/3/25 **ARC 9528C**	Microsoft Teams link Meeting ID: 248 573 222 179 4 Passcode: dE32bq3Y Conference ID: 919 427 308#	September 23, 2025 9 a.m.
	Microsoft Teams link Meeting ID: 261 059 884 755 8 Passcode: Z8W7rk6m Conference ID: 305 409 801#	September 23, 2025 1:30 p.m.

WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

Future ready Iowa registered apprenticeship development fund, ch 66 IAB 9/3/25 **ARC 9529C**	Microsoft Teams link Meeting ID: 228 026 983 421 Passcode: En28TH78 Conference ID: 863 395 407#	September 23, 2025 9:30 a.m.
	Microsoft Teams link Meeting ID: 229 518 901 039 6 Passcode: GJ3CL36F Conference ID: 497 069 297#	September 23, 2025 1:30 p.m.
Future ready Iowa expanded registered apprenticeship opportunities program, ch 67 IAB 9/3/25 **ARC 9530C**	Microsoft Teams link Meeting ID: 298 197 669 907 5 Passcode: Xd3CV3qx Conference ID: 987 268 454#	September 23, 2025 10 a.m.
	Microsoft Teams link Meeting ID: 277 839 227 118 2 Passcode: 8a6jn6pk Conference ID: 591 162 21#	September 23, 2025 2 p.m.
Employment agency licensing, ch 78 IAB 9/17/25 **ARC 9553C**	Microsoft Teams link Meeting ID: 240 821 964 954 3 Passcode: 6jV9mp9k Dial in: 1.469.998.6043 Conference ID: 416 492 612#	October 7, 2025 11:30 a.m. to 12 noon
	Microsoft Teams link Meeting ID: 275 596 078 558 Passcode: Tw9r9ag7 Dial in: 1.469.998.6043 Conference ID: 171 019 317#	October 7, 2025 4 to 4:30 p.m.

Schedule for Rulemaking—2025

REGULATORY ANALYSIS SUBMISSION DEADLINE	REGULATORY ANALYSIS PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST † POSSIBLE NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE 35 DAYS	FIRST POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 18 '24	Jan. 8	Jan. 28	Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Jan. 2	Jan. 22	Feb. 11	Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sep. 1
Jan. 17	Feb. 5	Feb. 25	Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sep. 15
Jan. 31	Feb. 19	Mar. 11	Mar. 14	Apr. 2	Apr. 22	May 7	**May 7**	May 28	July 2	Sep. 29
Feb. 14	Mar. 5	Mar. 25	Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Feb. 28	Mar. 19	Apr. 8	Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Mar. 14	Apr. 2	Apr. 22	Apr. 25	May 14	June 3	June 18	**June 18**	July 9	Aug. 13	Nov. 10
Mar. 28	Apr. 16	May 6	**May 7**	May 28	June 17	July 2	**July 2**	July 23	Aug. 27	Nov. 24
Apr. 11	Apr. 30	May 20	May 23	June 11	July 1	July 16	July 18	Aug. 6	Sep. 10	Dec. 8
Apr. 25	May 14	June 3	June 6	June 25	July 15	July 30	July 31	Aug. 20	Sep. 24	Dec. 22
May 7	May 28	June 17	**June 18**	July 9	July 29	Aug. 13	**Aug. 13**	Sep. 3	Oct. 8	Jan. 5 '26
May 23	June 11	July 1	**July 2**	July 23	Aug. 12	Aug. 27	Aug. 28	Sep. 17	Oct. 22	Jan. 19 '26
June 6	June 25	July 15	July 18	Aug. 6	Aug. 26	Sep. 10	Sep. 11	Oct. 1	Nov. 5	Feb. 2 '26
June 18	July 9	July 29	July 31	Aug. 20	Sep. 9	Sep. 24	Sep. 25	Oct. 15	Nov. 19	Feb. 16 '26
July 2	July 23	Aug. 12	**Aug. 13**	Sep. 3	Sep. 23	Oct. 8	Oct. 9	Oct. 29	Dec. 3	Mar. 2 '26
July 18	Aug. 6	Aug. 26	Aug. 28	Sep. 17	Oct. 7	Oct. 22	**Oct. 22**	Nov. 12	Dec. 17	Mar. 16 '26
July 31	Aug. 20	Sep. 9	Sep. 11	Oct. 1	Oct. 21	Nov. 5	**Nov. 5**	Nov. 26	Dec. 31	Mar. 30 '26
Aug. 13	Sep. 3	Sep. 23	Sep. 25	Oct. 15	Nov. 4	Nov. 19	**Nov. 19**	Dec. 10	Jan. 14 '26	Apr. 13 '26
Aug. 28	Sep. 17	Oct. 7	Oct. 9	Oct. 29	Nov. 18	Dec. 3	**Dec. 3**	Dec. 24	Jan. 28 '26	Apr. 27 '26
Sep. 11	Oct. 1	Oct. 21	**Oct. 22**	Nov. 12	Dec. 2	Dec. 17	**Dec. 17**	Jan. 7 '26	Feb. 11 '26	May 11 '26
Sep. 25	Oct. 15	Nov. 4	**Nov. 5**	Nov. 26	Dec. 16	Dec. 31	**Dec. 31**	Jan. 21 '26	Feb. 25 '26	May 25 '26
Oct. 9	Oct. 29	Nov. 18	**Nov. 19**	Dec. 10	Dec. 30	Jan. 14 '26	Jan. 15 '26	Feb. 4 '26	Mar. 11 '26	June 8 '26
Oct. 22	Nov. 12	Dec. 2	**Dec. 3**	Dec. 24	Jan. 13 '26	Jan. 28 '26	Jan. 29 '26	Feb. 18 '26	Mar. 25 '26	June 22 '26
Nov. 5	Nov. 26	Dec. 16	**Dec. 17**	Jan. 7 '26	Jan. 27 '26	Feb. 11 '26	Feb. 12 '26	Mar. 4 '26	Apr. 8 '26	July 6 '26
Nov. 19	Dec. 10	Dec. 30	**Dec. 31**	Jan. 21 '26	Feb. 10 '26	Feb. 25 '26	Feb. 26 '26	Mar. 18 '26	Apr. 22 '26	July 20 '26
Dec. 3	Dec. 24	Jan. 13 '26	Jan. 15 '26	Feb. 4 '26	Feb. 24 '26	Mar. 11 '26	Mar. 12 '26	Apr. 1 '26	May 6 '26	Aug. 3 '26
Dec. 17	Jan. 7 '26	Jan. 27 '26	Jan. 29 '26	Feb. 18 '26	Mar. 10 '26	Mar. 25 '26	Mar. 26 '26	Apr. 15 '26	May 20 '26	Aug. 17 '26
Dec. 31	Jan. 21 '26	Feb. 10 '26	Feb. 12 '26	Mar. 4 '26	Mar. 24 '26	Apr. 8 '26	Apr. 9 '26	Apr. 29 '26	June 3 '26	Aug. 31 '26

PLEASE NOTE:

Filing deadlines for publication cycles unaffected by holidays have been changed from Friday to Thursday. Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following business day will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more business days in advance of the deadline. The first possible notice submission deadline noted above may not allow sufficient time for this. **Agencies should plan accordingly.**

****Note change of filing deadline****

The following list will be updated as changes occur.

"Umbrella" agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory "umbrellas."

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

ADMINISTRATIVE RULES COORDINATOR [7]
ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
  Soil Conservation and Water Quality Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CHIEF INFORMATION OFFICER, OFFICE OF THE[129]
OMBUDSMAN[141]
CIVIL RIGHTS, OFFICE OF[161]
INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]
  Banking Division[187]
  Credit Union Division[189]
  Insurance Division[191]
  Professional Licensing and Regulation Bureau[193]
    Accountancy Examining Board[193A]
    Architectural Examining Board[193B]
    Engineering and Land Surveying Examining Board[193C]
    Landscape Architectural Examining Board[193D]
    Real Estate Commission[193E]
    Real Estate Appraiser Examining Board[193F]
    Interior Design Examining Board[193G]
UTILITIES COMMISSION[199]
CORRECTIONS DEPARTMENT[201]
  Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
  Historical Division[223]
ECONOMIC DEVELOPMENT AUTHORITY[261]
  City Development Board[263]
IOWA FINANCE AUTHORITY[265]
EDUCATION DEPARTMENT[281]
  Educational Examiners Board[282]
  College Student Aid Commission[283]
  Higher Education Loan Authority[284]
  Public Broadcasting Division[288]
  School Budget Review Committee[289]
EGG COUNCIL, IOWA[301]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
FAIR BOARD[371]
HUMAN RIGHTS DEPARTMENT[421]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
  Employment Appeal Board[486]
  Child Advocacy Board[489]
  Racing and Gaming Commission[491]
  State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]

LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
  Appeal Board, State[543]
  City Finance Committee[545]
  County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
  Environmental Protection Commission[567]
  Natural Resource Commission[571]
  Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
  Medicine Board[653]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
  Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
COMMUNICATIONS NETWORK, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
  Labor Services Division[875]
  Workers' Compensation Division[876]
  Workforce Development Board, State[877]

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—12.2(256) and 12.5(3)
"Iowa Tuition Grant Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.189

State or federal law(s) implemented by the rulemaking: Iowa Code sections 256.183 through 256.190

Public Hearing

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

October 7, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Commission proposes to amend Chapter 12 pursuant to 2025 Iowa Acts, House File 295. The proposed amendments replace references to the Higher Learning Commission with the broader accreditation authority enacted in House File 295. In addition, the rulemaking proposes a technical clarification to the definition of "program of study" to align the administrative rule language with the operation of the program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

In general, the proposed rulemaking does not impose requirements that would add an administrative burden beyond the provisions already established in law.

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

Iowans will benefit from the rulemaking because it ensures that the Iowa Administrative Code aligns with the Iowa Code.

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

- **Quantitative description of impact:**

The rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The rulemaking does not impose measurable costs beyond those imposed by law.

3. **Costs to the State:**

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

The proposed rulemaking is not anticipated to have implementation or enforcement costs beyond those of the legislation it is intended to implement.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have any effect on State revenues beyond that of the legislation it is intended to implement.

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

The benefit of the proposed rulemaking is to ensure the administrative rules align with the Iowa Code. The cost of inaction would be confusion caused by misalignment between administrative rules and Iowa Code requirements.

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

No less costly methods exist.

6. **Alternative methods considered by the agency:**

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

No other methods were seriously considered by the Commission since the method proposed is the most cost-efficient and seamless for all entities involved.

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

The alternative methods were rejected because they would not correct the current misalignment between the administrative rules and the Iowa Code.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule **283—12.2(256)**, definitions of "Located in Iowa" and "Program of study," as follows:

"Located in Iowa" means a college or university is accredited by ~~the Higher Learning Commission of the North Central Association of Colleges and Schools~~ a federally recognized accreditor of postsecondary educational institutions, has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

"Program of study" means the same as defined in rule 283—10.2(256), except that the program of study must lead to an undergraduate degree or an initial teaching license in Iowa.

ITEM 2. Amend subrule 12.5(3) as follows:

12.5(3) *Ongoing eligibility.* An accredited private institution that is participating in the Iowa tuition grant program will immediately notify the commission if its ~~higher learning commission accreditation~~ federally recognized accreditation as a postsecondary educational institution or 501(c)(3) status is lost, or if the accredited private institution will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code sections 256.183 through 256.190 or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution returning Iowa tuition grant funds to the commission.

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 19
"Court Reporter Equipment Grant Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 2025 Iowa Acts, Senate File 647, division VI

State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, Senate File 647, division VI

Public Hearing

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

October 7, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Commission proposes a new Chapter 19 pursuant to 2025 Iowa Acts, Senate File 647, division VI. The proposed rulemaking defines key terms used in this chapter, outlines the eligibility requirements for applicants, and explains the process used to award grants under the program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

In general, the proposed rulemaking does not impose requirements that would add an administrative burden beyond the provisions already established in law. The rulemaking establishes institutional eligibility requirements, establishes program eligibility requirements, and illustrates the awarding process, none of which impose a measurable cost.

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

Iowa residents, eligible institutions, and the Commission will benefit from the rulemaking since it clarifies the processes by which Iowans will apply for and qualify for the Court Reporter Equipment Grant Program and illustrates the application process for eligible institutions.

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

- **Quantitative description of impact:**

The rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The proposed rulemaking requires an applicant institution to apply on or before October 1 prior to the academic year in which the institution plans to participate in the program. This application deadline will provide the Commission adequate time to update systems and train institutional staff and will provide adequate time for students who may attend the applicant institution to apply for funding.

3. **Costs to the State:**

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

The rulemaking is not anticipated to have any implementation or enforcement costs beyond those of the legislation it is intended to implement.

- **Anticipated effect on State revenues:**

The rulemaking is not anticipated to have any effects on State revenues beyond those of the legislation it is intended to implement.

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

The benefit of the proposed rulemaking is to publicly illustrate the process that will be used to consistently administer and disburse the grants and articulate criteria and general provisions of eligibility.

The cost of inaction would be confusion about and inconsistency in the process and criteria to be used in the application for and awarding of funds under the grant.

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

Adopting Chapter 19 is the most efficient approach to outline the clarifications needed to administer the Court Reporter Equipment Grant Program under 2025 Iowa Acts, Senate File 647, division VI.

6. **Alternative methods considered by the agency:**

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

No other methods were seriously considered because the proposed approach is the most cost-efficient and minimizes potential confusion among Iowans.

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

The alternative methods were rejected because they would lead to informational burdens on students, eligible institutions, and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 283—Chapter 19:

CHAPTER 19
COURT REPORTER EQUIPMENT GRANT PROGRAM

283—19.1(261) Basis for aid. Assistance available under the court reporter equipment grant program is for Iowa residents who are enrolled in a court reporter program at an eligible college or university.

283—19.2(261) Definitions. As used in this chapter:

"Approved program" means a court reporter program that meets the definition of an eligible program of study in 283—Chapter 10.

"Eligible institution" means a community college established under Iowa Code chapter 260C, an institution of higher learning governed by the state board of regents, or an accredited private institution as defined in Iowa Code section 256.183.

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Semester" means the fall, spring, or summer term of enrollment at an eligible institution, if the eligible institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.

283—19.3(261) Eligible applicant. An eligible applicant is enrolled in an approved program at an eligible institution and completes the applications the college student aid commission (commission) deems necessary on or before the date established by the commission.

283—19.4(261) Awarding of funds.

19.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

19.4(2) *Extent of award and maximum award.* The maximum award will be established annually by the commission, but will not exceed $2,000 annually.

19.4(3) *Priority for awards.* In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

a. Eligible applicants who are Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

b. Eligible applicants who are not Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

c. Eligible applicants who are Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

d. Eligible applicants who are not Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

19.4(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. Eligible institutions will inform students applying for admission to the approved program of the availability of the court reporter equipment grant program.

c. The commission will designate eligible applicants for awards.

d. Eligible institutions will verify eligible applicants' enrollment in the approved program following institutional verification of enrollment.

e. Eligible applicants will submit documentation of their court reporter equipment or software purchase to the commission.

f. The commission will reimburse the eligible applicant for court reporter equipment or software purchases in the amount of the maximum award specified under subrule 19.4(2).

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.231 as enacted by 2025 Iowa Acts, Senate File 647, division VI, and this rule.

283—19.5(261) Institutional application process. Following the first year of administration of the court reporter equipment grant program by the commission, an institution requesting to participate in the program will apply to the commission using the commission's designated application. An applicant institution will provide the commission with documentation establishing the applicant institution's eligibility as an eligible institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility before October 1 of the year prior to the beginning of the academic year for which the applicant institution is applying for participation.

These rules are intended to implement Iowa Code section 256.231 as enacted by 2025 Iowa Acts, Senate File 647, division VI.

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 21
"Approval of Postsecondary Schools"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178, 256.177(7), 256.177(12), 261B.3, 261B.5, 261B.8 and 261G.5

State or federal law(s) implemented by the rulemaking: Iowa Code sections 256.177(7), 256.177(12), 261B.3, 261B.5, 261B.8 and 261G.5 and 34 CFR 600.9

Public Hearing

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

October 7, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford
Bureau Chief, Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Commission proposes to rescind and adopt a new Chapter 21 pursuant to Executive Order 10. New Chapter 21 is proposed to establish standards, procedures, and oversight mechanisms by which the Commission reviews, approves, monitors, renews, or revokes the registration of postsecondary institutions seeking to operate in Iowa or participate in interstate reciprocity agreements.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

In general, the proposed rulemaking does not impose requirements that would add a measurable administrative burden beyond the provisions already established in law. Postsecondary schools that are closing, closing an Iowa site, or closing a program may incur additional compliance costs if the closure negatively impacts students. These costs are not measurable because these events are rare.

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

Iowa students pursuing postsecondary education programs at postsecondary schools will benefit from the chapter because it provides postsecondary school requirements and consumer protections to help ensure integrity and accountability across the postsecondary landscape in Iowa. The chapter also benefits postsecondary schools by providing the requirements for those seeking State authorization in Iowa.

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

- **Quantitative description of impact:**

The rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The rulemaking illustrates provisions to the public about State authorization in Iowa.

3. **Costs to the State:**

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

The costs to the Commission are related to reviews and corresponding action on State authorization applications, compliance monitoring and enforcement, providing technical assistance, and, on occasion, corrective action, all of which have a statutory basis.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have any effect on State revenues beyond that of the legislation it is intended to implement.

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

The benefit of the proposed rulemaking is to enforce consumer protections for Iowa students and help ensure postsecondary school integrity and accountability for Iowa students.

The cost of inaction would be confusion about the process the Commission utilizes to review State authorization applications.

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

The rulemaking proposes an efficient administrative method of providing the identified information to the public and ensuring that Iowa students benefit from consumer protections.

6. **Alternative methods considered by the agency:**

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

No other methods were seriously considered by the Commission since the method proposed is a cost-efficient and seamless way to provide the information and enforce consumer protection requirements.

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

Alternative methods were rejected because the method used is a streamlined approach to illustrating the necessary information.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 283—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

283—21.1(261B,261G,714) Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement. The college student aid commission authorizes postsecondary schools to operate in Iowa and offer postsecondary programs to Iowans pursuant to Iowa Code chapters 261B and 261G and 34 CFR 600.9 as of July 1, 2025.

283—21.2(261B,261G) Definitions. As used in this chapter:

"Interstate reciprocity agreement" means the agreement the commission has entered into in order to participate in interstate reciprocity under Iowa Code chapter 261G.

"Postsecondary school" means an entity that meets any of the following provisions:

1. Meets the conditions in Iowa Code section 261B.2(5)*"a"* and *"c."*
2. Provides a postsecondary course of instruction leading to a credential.

"Postsecondary school closure" means a precipitous or abrupt closure of a postsecondary school, Iowa site, or program during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

"Presence" means the same as defined in Iowa Code section 261B.2 and described in Iowa Code section 261B.3(1).

"State authorization" means the process by which a postsecondary school must seek the commission's approval to operate in Iowa or offer a postsecondary course of instruction to Iowans through registration under Iowa Code chapter 261B or an exception to registration under Iowa Code section 261B.11. Postsecondary schools that are approved by the commission to operate in Iowa or offer a postsecondary course of instruction to Iowans shall receive an official written approval notification issued by the commission. This notification shall identify the institution by name as an educational institution.

283—21.3(261B,261G) State authorization types and requirements.

21.3(1) *Registration.*

a. Qualifying postsecondary schools. A degree-granting postsecondary school whose operation is primarily outside of the state but that has a presence in Iowa, or an Iowa-originating postsecondary school that does not qualify for an exception under Iowa Code section 261B.11 and that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency, will register with the commission. A postsecondary school that qualifies for an exception from registration may voluntarily submit an application under subrule 21.3(1). In addition, qualifying postsecondary schools that meet the following conditions must register to offer postsecondary education programs to Iowans:

(1) Provide distance education programs to Iowans in which the student participates in a structured field experience at a location in Iowa that is a required component of the distance education program.

(2) Compensate a party to recruit Iowans, the recruiter maintains an Iowa address, and the recruitment activities are not solely occasional or short-term events, such as college fairs or conferences.

b. Requirements. Qualifying postsecondary schools must submit information required in Iowa Code sections 256.177(7) and 261B.4 and other information requested by the commission. The commission may require a qualifying postsecondary school to submit a new application if there is a

change in ownership or governance or an amendment to an existing application. In addition, a qualifying postsecondary school must:

(1) Certify to the commission that the qualifying postsecondary school's approval to operate in a state has not been revoked by the state, the qualifying postsecondary school has not been sanctioned by a state within a year prior to the date of its application, and the qualifying postsecondary school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority. The postsecondary school will immediately notify the commission of any pending or final sanction by an accrediting agency, state entity, state attorney general, or other enforcement authority.

(2) Certify that it is not subject to a limitation, suspension, or termination order issued by the United States Department of Education or its successor agency. The applicant postsecondary school shall provide the commission with a copy of the postsecondary school's current program participation agreement with the United States Department of Education or its successor agency.

(3) Employ at least one full-time Iowa faculty member or one program or student services coordinator at the Iowa location who is devoted to Iowa students if the postsecondary school operates a location or administrative office at a fixed location in Iowa.

(4) Provide the commission with institutional policies adopted by the postsecondary school that comply with the requirements of Iowa Code section 256.183(1)*"e"* through *"h"* and *"k."*

1. For a program in which a student's academic progress is measured only in clock hours, the postsecondary school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 256.183(1)*"g"* for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

2. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 256.183(1)*"h"* shall apply to individuals the postsecondary school compensates to conduct activities on the postsecondary school's behalf at an Iowa location.

(5) For a covered institution under Iowa Code chapter 261F, adopt a code of conduct that complies with Iowa Code section 261F.2.

(6) For a covered institution under Iowa Code chapter 261F that offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(7) Provide documentation demonstrating that a program that prepares a student for an occupation that requires professional licensure in Iowa and that the postsecondary school proposes to offer under its registration:

1. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or,

2. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the postsecondary school did not offer in its professional licensure preparation program.

(8) Have procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publish contact information to be used by students and graduates who seek to obtain transcript information.

(9) Provide a complaint process for students to file a complaint about the postsecondary school. The postsecondary school must prominently provide on its website the link to the commission's web page for student complaints. The student must complete the postsecondary school's internal complaint or grievance process and receive a decision before filing a complaint with the commission.

(10) Comply with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

(11) Commit to meeting the provisions of rule 283—21.5(261B,261G) and to providing a teach-out plan or providing alternatives for students to complete their programs at other postsecondary schools and ensuring students have continued access to their transcripts if the postsecondary school

closes, discontinues a program, or closes an Iowa site before students have completed their program of study.

c. Limitations and denials.

(1) A postsecondary school must meet, to the satisfaction of the commission, all requirements identified in paragraph 21.3(1)*"b."*

(2) Pursuant to Iowa Code section 256.177(7), a nonpublic postsecondary school that is required to register under subrule 21.3(1) must demonstrate that its most recent, official federal financial composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.0. A postsecondary school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its independent auditor. For postsecondary institutions owned and controlled by another entity, the relevant composite score will be the composite score of the parent entity, as identified by the United States Department of Education. A postsecondary school that fails to demonstrate a federal financial composite score of at least 1.0 for two successive years may be subject to restrictions on new Iowa enrollments, may be required to provide a teach-out plan pursuant to subparagraph 21.3(1)*"b"*(11), or may be required to secure a letter of credit in an amount equal to 10 percent of the tuition charged to Iowa residents during the most recently completed fiscal year.

(3) The commission may take action that includes but is not limited to limiting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's registration as a result of any of the following:

1. An adverse notice, warning, or other sanction issued by the postsecondary school's accrediting agency.
2. An adverse action or sanction issued by the United States Department of Education.
3. A publicly announced lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.
4. A judgment issued by a state attorney general's office or another enforcement authority.
5. Repeated complaints about a postsecondary school received from the postsecondary school's students by the commission, by another state, or by a state attorney general's office.
6. Failure to pay fees due to the commission in accordance with rule 283—21.4(261B,261G).
7. Failure to provide responses to any of the requirements in paragraph 21.3(1)*"b"* or provide evidence substantiating the postsecondary school's compliance with those requirements.
8. Other actions deemed by the commission as significant evidence that the postsecondary school should not be allowed to operate under this chapter.

d. Exceptions. Notwithstanding paragraph 21.3(1)*"a,"* a nonaccredited postsecondary school may qualify for provisional registration if the postsecondary school is authorized under subrule 21.3(2), the postsecondary school is actively seeking accreditation to offer degrees, and the accreditor requires state authorization approval before accreditation approval.

21.3(2) *Exception from registration.*

a. Qualifying postsecondary schools. A postsecondary school that meets an exception in Iowa Code section 261B.11, meets the requirements of paragraph 21.3(2)*"b,"* and has a physical location in the state of Iowa must apply for an exception from registration.

b. Requirements. A qualifying postsecondary school must submit information requested by the commission. In addition, a qualifying postsecondary school must meet the following conditions:

(1) If the postsecondary school offers a course of instruction leading to a degree, with the exception of a postsecondary school that qualifies for an exception under Iowa Code section 261B.11(1)*"h,"* the postsecondary school is accredited by an accrediting agency recognized by the United States Department of Education or its successor agency and will notify the commission of any negative changes to its accrediting status.

(2) The postsecondary school adopts institutional policies that comply with the requirements of subparagraph 21.3(1)*"b"*(4).

(3) The postsecondary school has procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publishes contact information to be used by students and graduates who seek to obtain transcript information.

(4) A covered institution under Iowa Code chapter 261F adopts a code of conduct that complies with Iowa Code section 261F.2.

(5) If a covered institution under Iowa Code chapter 261F offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(6) The postsecondary school provides a complaint process for students to file a complaint pursuant to subparagraph 21.3(1)*"b"*(9).

(7) The postsecondary school complies with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

c. Limitations and denials. The commission may take action that includes but is not limited to restricting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's authorization for failure to demonstrate to the commission that the postsecondary school qualifies for the exception and meets consumer protection standards established by the commission.

21.3(3) *Commission-approved interstate reciprocity agreement.*

a. Qualifying postsecondary schools. A participating resident institution pursuant to Iowa Code section 261G.2 that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency may qualify to apply to the commission to participate in a commission-approved interstate reciprocity agreement.

b. Requirements. A qualifying postsecondary school must be approved under subrule 21.3(1) or subrule 21.3(2), be in compliance with Iowa Code chapters 261B and 261G, and meet the conditions of the interstate reciprocity agreement. In addition, a postsecondary school will prominently disclose on its website the postsecondary school's participation in the commission-approved interstate reciprocity agreement and provide a process for students to file a complaint pursuant to subparagraph 21.3(1)*"b"*(9).

c. Limitations and denials. A participating nonresident institution pursuant to Iowa Code section 261G.2 is not a postsecondary school that is eligible to apply to the commission to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G.

283—21.4(261B,261G) Authorization fees.

21.4(1) A postsecondary school that applies for initial registration as required under subrule 21.3(1) shall remit an initial registration application fee payable to the commission in the amount of $5,000. This fee is nonrefundable regardless of the commission's decision with respect to the postsecondary school's eligibility for registration in Iowa. A postsecondary school that fails to pay the initial registration application fee shall be denied initial registration consideration.

21.4(2) A postsecondary school that is approved under subrule 21.3(1) or 21.3(3) shall remit an annual fee payable to the commission in the amount due on October 15 of each year. If a postsecondary school's authorization terminates during a year, the postsecondary school shall pay the annual fee to the commission if the postsecondary school's approval is valid as of October 15 of that year or on the date the payment is received. The annual fee is nonrefundable and will be assessed based on a postsecondary school's full-time equivalent (FTE) enrollment as follows:

a. Under 2,500 FTE – $2,000.

b. 2,500 to 9,999 FTE – $4,000.

c. 10,000 FTE or more – $6,000.

21.4(3) A postsecondary school that registers and pays fees under subrule 21.3(1) is not required to pay fees under subrule 21.3(3) if participating in the interstate reciprocity agreement.

283—21.5(261B,261G) Postsecondary school, Iowa site, or program closure.

21.5(1) A postsecondary school that is approved under subrule 21.3(1) or 21.3(2), or a degree-granting postsecondary school approved pursuant to Iowa Code section 714.18, must notify the commission in writing before the postsecondary school takes action to close the postsecondary school, close an Iowa site, or discontinue a program that is offered to Iowans.

21.5(2) If requested by the commission, the postsecondary school shall provide the following information to the commission:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the postsecondary school's Iowa campus(es). The postsecondary school shall organize this list in alphabetical order by student last name.

b. Documentation of the postsecondary school's proposed notice to students.

c. The postsecondary school's specific plan to provide alternatives for affected students to complete the programs offered under the postsecondary school's state authorization, and any external approvals of the plan if applicable.

d. The postsecondary school's plan for storage and retrieval of student transcript information pursuant to subparagraphs 21.3(1)*"b"*(8) and 21.3(2)*"b"*(3).

e. Specific information about how the postsecondary school will provide transitional support to affected students.

f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the postsecondary school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the postsecondary school and, if applicable, the postsecondary school's private preferred lender(s).

(5) Responding to inquiries from students, parents, and the commission.

21.5(3) An authorized postsecondary school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 will maintain the bond until the last currently enrolled Iowa student graduates or withdraws.

21.5(4) If the commission takes action to discontinue a postsecondary school's program, close a postsecondary school's Iowa site, or terminate a postsecondary school's operation in Iowa pursuant to subparagraph 21.3(1)*"c"*(3), the postsecondary school shall provide to the commission the information in subrule 21.5(2) and shall be subject to the requirements of subrule 21.5(3).

283—21.6(261B,261G) Postsecondary school closures. In the event of a postsecondary school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

21.6(1) *Eligible students.* The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence at the time of a postsecondary school closure.

21.6(2) *Assistance to impacted eligible students.* The commission may provide the following forms of assistance to eligible students impacted by a postsecondary school closure:

a. Procure, evaluate, and store records needed to establish the validity of claims against a postsecondary school for failure to faithfully perform all contracts and agreements.

b. Pay institutional charges on behalf of Iowans who enrolled at the school.

c. Support an arrangement in which the postsecondary school provides its current students with the opportunity to complete the students' courses of study after the postsecondary school closes,

including any activities designed to facilitate the transition of such students to another postsecondary educational institution.

d. Pay private educational loan debt incurred by Iowans for attendance at the postsecondary school during the enrollment term that the college closes.

e. Reimburse Iowans who enrolled at the postsecondary school for other financial loss, as determined by the commission.

21.6(3) *Claims process.* An eligible student making a claim for reimbursement under paragraph 21.16(2)*"b," "d,"* or *"e"* must contact the commission within six months of the postsecondary school closure for a claim form and provide the following supporting information and documentation:

a. Proof of enrollment at the time of postsecondary school closing.

b. Proof of attendance at the time of postsecondary school closing.

c. Proof of Iowa residency at the time of postsecondary school closing.

d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.

e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

21.6(4) *Approval process.* The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year from the date of the postsecondary school closure to ensure all claims related to a postsecondary school closure are received.

21.6(5) *Awarding of approved claims.*

a. All claims for reimbursement shall be submitted and approved within one year of the date of the postsecondary school closure.

b. Claims for reimbursement will first be made against the postsecondary school's surety bond.

c. If the postsecondary school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single postsecondary school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds to eligible students.

21.6(6) *Appeal process.* The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

These rules are intended to implement Iowa Code chapters 256, 261B, and 261G.

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 24
"Rural Iowa Primary Care Loan Repayment Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.221
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.221

Public Hearing

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

October 7, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Rural Iowa Primary Care Loan Repayment Program (Iowa Code section 256.221) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 24, which is proposed to be rescinded.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Iowans will not bear any costs related to the rescission of Chapter 24.

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

Iowa residents may benefit from the rescission of Chapter 24 since the rescission will eliminate information on a loan repayment program that no longer exists.

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

- **Quantitative description of impact:**

The rescission of Chapter 24 has no impact on costs.

- **Qualitative description of impact:**

The rescission of Chapter 24 has no impact on costs.

3. **Costs to the State:**

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

The rescission of Chapter 24 has no impact on costs.

- **Anticipated effect on State revenues:**

The rescission of Chapter 24 is not anticipated to have an impact on State revenues.

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

The benefit of rescinding Chapter 24 is eliminating obsolete information since Iowans can neither apply for nor receive the loan repayment award.

The cost of inaction would be confusion and unnecessary inquiries about the loan repayment program and the application process, both of which no longer exist.

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

Rescinding Chapter 24 is the most efficient approach under Executive Order 10.

6. **Alternative methods considered by the agency:**

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

No other methods were seriously considered since the method proposed is the most cost-efficient approach and eliminates potential confusion among Iowans seeking out loan repayment funding.

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

The alternative methods were rejected because they would lead to informational burdens on students, families, Iowans in the workforce, and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **283—Chapter 24**.

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 31
"Mental Health Professional Loan Repayment Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.225
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.225

Public Hearing

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

October 7, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Mental Health Professional Loan Repayment Program (Iowa Code section 256.225) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 31, which is proposed to be rescinded.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Iowans will not bear any costs related to the rescission of Chapter 31.

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

Iowa residents may benefit from the rescission of Chapter 31 since the rescission will eliminate information on a loan repayment program that no longer exists.

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

- **Quantitative description of impact:**

The rescission of Chapter 31 has no impact on costs.

- **Qualitative description of impact:**

The rescission of Chapter 31 has no impact on costs.

3. **Costs to the State:**

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

The rescission of Chapter 31 has no impact on costs.

- **Anticipated effect on State revenues:**

The rescission of Chapter 31 is not anticipated to have an impact on State revenues.

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

The benefit of rescinding Chapter 31 is eliminating obsolete information since Iowans can neither apply for nor receive the loan repayment award.

The cost of inaction would be confusion and unnecessary inquiries about the loan repayment program and the application process, both of which no longer exist.

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

Rescinding Chapter 31 is the most efficient approach under Executive Order 10.

6. **Alternative methods considered by the agency:**

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

No other methods were seriously considered since the method proposed is the most cost-efficient approach and eliminates potential confusion among Iowans seeking out loan repayment funding.

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

The alternative methods were rejected because they would lead to informational burdens on students, families, Iowans in the workforce, and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **283—Chapter 31**.

ECONOMIC DEVELOPMENT AUTHORITY[261]

Regulatory Analysis

Notice of Intended Action to be published: 261—Chapter 300
"Iowa Film Production Incentive Program and Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657

Public Hearing

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

October 7, 2025	1963 Bell Avenue
9:15 to 9:30 a.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Economic Development Authority (Authority) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657, the Authority proposes to adopt Chapter 300. The chapter describes the policies and procedures applicable to the Iowa Film Production Incentive Program. The program provides rebates to qualified production facilities to produce qualified productions in the State of Iowa. The chapter will set forth eligibility requirements, application procedures, and review processes for the program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Qualified production facilities interested in applying for or receiving a rebate through the program will bear the costs of the proposed rulemaking.

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

Qualified production facilities interested in applying for or receiving a rebate through the program will benefit from the proposed rulemaking.

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

- **Quantitative description of impact:**

Qualified production facilities interested in applying for a rebate may require staff time to complete an application for a rebate. Recipients may similarly incur costs to comply with monitoring requirements of the program. Some applicants may choose to rely on an external service provider to

complete these tasks. The amount of the costs will vary depending on the compensation of staff or service providers involved.

- **Qualitative description of impact:**

The program provides rebates to qualified production facilities producing a qualified production in the State of Iowa.

3. **Costs to the State:**

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

Authority staff time is required to review and approve applications, draft and execute program contracts, disburse funds, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The proposed chapter will have no anticipated impact on State revenues. 2025 Iowa Acts, Senate File 660, appropriated $4,000,000 for the program.

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

Only the qualified production facilities that will potentially benefit from program rebates bear the costs of the proposed rulemaking. The costs to the State to administer the program are proportional to the activities supported by rebates.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

6. **Alternative methods considered by the agency:**

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

Small Business Impact

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

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

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

The proposed rules do not have a substantial impact on small business. The rules are no more than necessary to administer the statutory requirements of the program.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 261—Chapter 300:

CHAPTER 300
IOWA FILM PRODUCTION INCENTIVE PROGRAM AND FUND

261—300.1(15) Purpose. The Iowa film production incentive program and the Iowa film production incentive fund are created pursuant to and for the purposes stated under Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657.

261—300.2(15) Definitions.

"Applicant" means a qualified production facility that is applying for a rebate under the program.

"Authority" means the Iowa economic development authority.

"Capital expenditure" means money spent to purchase or maintain fixed assets or tangible personal property, including information technology systems, having a useful life of more than one year.

"Certified public accountant" means the same as defined in Iowa Code section 542.3.

"Fringes" means payroll fees (excluding taxes), union and guild fees, insurance benefits, and worker's compensation, specific to the production for which an applicant is applying for a program rebate.

"Iowa business" means a business registered and in good standing with the Iowa secretary of state.

"Post-production" means the activities preparing the film or television program for final showing, including editing and sound design.

"Pre-production" means activities enabling the start of principal photography in Iowa, including hiring local cast and crew and final location scouting.

"Principal photography" means the production phase in which the bulk of shooting takes place.

"Program" means the Iowa film production incentive program created pursuant to Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualified expenditure" means the same as defined in Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657, and meeting the criteria in rule 261—300.5(15).

"Qualified production" means the same as defined in Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualified production facility" means the same as defined in Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657.

"Rebate" means a rebate disbursed to a recipient pursuant to Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657, after the recipient complies with all of the reporting requirements under rule 261—300.6(15).

"Recipient" means a qualified production facility that has been awarded a program rebate.

"Studio" means a company that produces and has a dedicated physical space for the production of video entertainment.

261—300.3(15) Eligible applicants. An applicant must be a qualified production facility producing a qualified production and meeting the following criteria:

300.3(1) The production will have a total production budget of at least $1,000,000, including a minimum of $500,000 in qualified expenditures.

300.3(2) The production will be made available to the public for viewing at a venue where admission is charged or made available for purchase, for rental, or through a streaming service that requires a subscription.

300.3(3) Principal photography has not started as of the date of the application submission.

300.3(4) An applicant may apply for multiple qualified productions but may only submit one application per production.

300.3(5) The production must be a feature film, television series, documentary or unscripted series.

261—300.4(15) Application process.

300.4(1) Applicants applying for the first time under the program, or as otherwise required by the authority, must submit a qualified production facility certification in the form and content prescribed by the authority as part of the application process.

300.4(2) Applicants must electronically file their program application in the form and content prescribed by the authority.

300.4(3) Applications will be reviewed by the authority for award of a program rebate. Payment of the rebate will be made only after completion of the applicant's qualified production and submission of the materials specified in rule 261—300.6(15).

300.4(4) Factors the authority may consider when reviewing an application include:

a. Extent to which the applicant will participate in training, education, and recruitment programs that are organized in cooperation with interested Iowa colleges and universities and that are designed to promote and encourage the training and hiring of Iowa residents.

b. Whether the rebate will incentivize the applicant to choose an Iowa location for its production over an out-of-state location.

c. Likelihood that approval of the rebate will result in an overall long-term positive impact to Iowa.

300.4(5) Based on the review process and subject to available funding, the authority may revise an applicant's overall funding request.

300.4(6) The authority will notify successful applicants in writing of their approved application for a rebate and prepare an agreement that reflects the terms of the award. The recipient must execute and return the agreement to the authority within 30 days of the transmittal of the final agreement from the authority. Failure to do so may result in the authority terminating the award.

261—300.5(15) Qualified expenditures.

300.5(1) Qualified expenditures are expenditures incurred for industry standard pre-production, production and post-production expenses paid to Iowa businesses or to production personnel, crew and cast physically working on the production in Iowa. Qualified expenditures include:

a. Wages and fringes for personnel, crew and cast members.

b. Equipment rentals.

c. Equipment purchases, not to exceed $5,000 per unit.

d. Rental of facilities, including other studio production facilities, located within the boundaries of Iowa that are not owned, managed or operated by applicant or by a subsidiary, parent, affiliated or associated entity of applicant.

e. Hospitality services.

f. Certified public accountant services.

g. Per diem payments.

h. Accommodations within the boundaries of Iowa and certified in compliance with Iowa Code section 80.45A.

i. Transportation, limited to mileage at standard Internal Revenue Service (IRS) rates and rental fees paid to Iowa businesses and full-time Iowa residents for vehicle rentals.

j. Fees for submission to film festivals in Iowa.

k. Temporary set-based construction.

l. Services that directly support standard pre-production, production and post-production expenses (e.g., security, police, fire services).

300.5(2) Qualified expenditures do not include:

a. Entertainment.

b. Airfare.

c. Royalties.
d. Publicity for the production.
e. Compensation paid to employees with a financial interest in the recipient entity.
f. Permanent facility-based construction.
g. Capital expenditures.
h. Sales, use and hotel and motel taxes.

261—300.6(15) Reporting requirements and rebate.

300.6(1) A recipient shall complete and submit all reports required by the program agreement. A recipient shall submit any information requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

300.6(2) The maximum rebate paid to a recipient will equal 30 percent of the recipient's documented qualified expenditures. The rebate amount shall not exceed the award amount specified in the notice of award and the program agreement, unless otherwise agreed to by the authority in writing. Any decision by the authority on the rebate amount shall be made in the sole discretion of the authority and shall be final.

These rules are intended to implement Iowa Code section 15.517 as enacted by 2025 Iowa Acts, Senate File 657.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapter 100
"Scope of Title—Definitions—Rules of Practice"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.304, 455B.305, 455D.6, and 455D.7

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455B.304 and 455B.305 and chapter 455D

Public Hearing

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

October 7, 2025	Via videoconference call
1 p.m.	Contact: EO10_solidwaste@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at EO10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Michael Sullivan
Solid Waste and Contaminated Sites Supervisor
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: EO10_solidwaste@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 100 combines two existing chapters (567—Chapters 100 and 102) that govern general solid waste permitting requirements for sanitary disposal projects and solid waste management facilities. New Chapter 100 will establish a single location for the definitions and permitting requirements applicable to solid waste management and disposal.

The two existing chapters were reviewed and edited consistent with Executive Order 10 (EO10). Combining them will (1) consolidate and clarify redundant and obsolete requirements, (2) remove unused or unneeded definitions, (3) update or remove redundant permit application requirements, and (4) consolidate general administrative permitting requirements applicable to sanitary disposal projects and solid waste management facilities.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There will be no increase in costs as a result of the proposed rulemaking. All costs incurred to comply with proposed Chapter 100 are borne by the sanitary disposal project or solid waste management permit applicant and not the public. Costs to the permit applicant are project-specific.

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

Citizens of Iowa will benefit from knowing that the entities and facilities that collect, manage, and facilitate the disposal of solid waste are being regulated to ensure the continued protection of public health and the environment. Benefits will also be realized from having multiple options for providing for the safe and efficient management of solid waste besides disposal in sanitary landfills.

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

- **Quantitative description of impact:**

Costs to the permit applicant are project-specific and not easily definable. However, it is important to note that there are no permitting fees associated with this chapter.

- **Qualitative description of impact:**

This rulemaking allows for the continued permitting and regulatory oversight of entities that manage and dispose of solid waste in Iowa. This chapter details the permitting, siting, design, operating, recordkeeping, and site closure requirements to ensure continued protection of public health and the environment. When compared to current Chapters 100 and 102, requirements in new Chapter 100 have been reviewed and revised consistent with EO10, which has resulted in the consolidation of significant redundant requirements and has provided for better organization and reduced regulatory burden.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time required to review permit applications, site design and operating plans, as well as managing and enforcing the sanitary disposal project and solid waste management facility permit programs. No change to State costs is expected.

- **Anticipated effect on State revenues:**

The impact on State revenues will be neutral since there are no fees or other revenues associated with this chapter and no substantive revisions are proposed from the current permitting of these solid waste activities.

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

These regulations, through the permitting and regulatory oversight of sanitary disposal projects and solid waste management activities, prevent the release of hazardous materials to the environment from the mismanagement of various types of solid waste. Therefore, inaction would remove the current protections of human health and the environment that Iowans expect. As stated above, there are no permitting fees or other State revenues associated with this chapter.

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

The regulation of solid waste collection and disposal is required by the Iowa Code and the United States Environmental Protection Agency (EPA). New Chapter 100 is brief and succinct, and the permitting of such activities is an industry standard and comparable to neighboring states. Further, these rules were reviewed and revised consistent with EO10.

6. **Alternative methods considered by the agency:**

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

No alternative methods were considered.

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

Regulation of solid waste disposal is required by the Iowa Code and EPA. It was determined that combining Chapters 100 and 102 would streamline the permitting process and provide greater efficiency and clarity to the regulated community and the general public. Further, these rules were reviewed and revised consistent with EO10.

Small Business Impact

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

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

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

The proposed rulemaking will not negatively impact small business. Where legal and feasible, considerations were made to accommodate the business practices of smaller entities, including permit-by-rule accommodations, expediting registration procedures, and extending the permit length for sanitary disposal projects and solid waste management activities often undertaken by small businesses. For many methods of solid waste management, it is not feasible or legal to have different requirements based on the size of the business.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 100 and adopt the following **new** chapter in lieu thereof:

TITLE VIII
SOLID WASTE MANAGEMENT AND DISPOSAL

CHAPTER 100
SCOPE OF TITLE—DEFINITIONS—RULES OF PRACTICE

567—100.1(455B,455D) Scope of title. The department has jurisdiction over the management, dumping, depositing, and disposal of solid waste by establishing standards and regulating solid waste through a system of general rules and specific permits. The construction and operation of any sanitary disposal project or solid waste management activity requires a specific permit from the department.

This chapter provides general definitions applicable to Title VIII (solid waste management and disposal) of the commission's rules and general conditions of solid waste disposal. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this chapter shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—100.2(455B,455D) Definitions. For the purposes of this title, the following terms shall have the meaning indicated in this chapter. The definitions found in Iowa Code section 455B.301 and chapter 455D shall apply.

"Active life" means the period of operation beginning with the initial receipt of solid waste and ending at the completion of closure activities.

"Active portion" means that part of a facility or unit that has received or is receiving wastes and that has not been closed.

"Agricultural waste" means organic materials normally discarded during the production of plants and animals from agronomic, horticultural, or silvicultural operations. "Agricultural waste" includes but is not limited to manure, crop residuals, bedding, and other vegetative by-products produced during farm processing. Dead animals are not included.

"Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Alternative cover material" means a substitute material or mix of materials that can be utilized in lieu of soil as cover material at a sanitary landfill.

"Annular space" means the open space formed between the borehole and the well casing.

"Appliances" means household and commercial devices such as refrigerators, freezers, kitchen ranges, air-conditioning units, dehumidifiers, gas water heaters, furnaces, clothes washers, clothes dryers, dishwashers, microwave ovens and commercial coolers with components containing mercury, refrigerants, or PCB-containing capacitors.

"Aquifer" means a saturated geologic formation or combination of formations that has appreciably greater ability to transmit water than do adjacent formations. Typically, an aquifer is capable of yielding usable quantities of water to a well.

"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 sanitary landfill site, because of natural or human-induced events, results in the down slope 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 function, block sliding, and rockfall.

"Attendant" means an employee of a sanitary disposal project who is not employed or assigned to operate the equipment used on the site.

"Ballast" means an electrical device containing capacitors for the purpose of triggering high-level electrical components. A ballast provides electrical balance within the high-level electrical component circuitry.

"Beneficial use" means a specific utilization of a solid by-product that constitutes reuse rather than disposal and does not adversely affect human health or the environment.

"Beneficial use determination" means a written formal decision or rule issued by the department that affirms that the utilization of a solid by-product constitutes a beneficial use rather than the disposal of solid waste.

"Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

"Bulking agent" means a material that contributes structure and porosity, usually a dry, rigid material such as shredded wood.

"Capacitor" means a device for accumulating and holding a charge of electricity that consists of conducting surfaces separated by a dielectric fluid.

"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.

"Cathode ray tube" or *"CRT"* means a vacuum tube composed primarily of leaded glass that is the visual or video display component of an electronic device. An intact CRT means a CRT whose

vacuum has not been released. A broken CRT means glass removed from its housing or casing whose vacuum has been released.

"Certified compostable products" means any product specifically manufactured to break down in a compost system at the end of its useful life. Examples include containers; films; or foodservice ware such as bowls, plates, cups, cutlery, and bioplastic liner bags. Products are composed of materials such as vegetable matter, paper, cardboard, and plastics and are certified as conforming to ASTM International Standard ASTM D6400 or ASTM D6868.

"CFC" or *"CFCs"* means chlorofluorocarbons, including any of several compounds used as refrigerants.

"CFR" or *"Code of Federal Regulations"* means the federal administrative rules adopted by the United States as amended through August 1, 2025.

"Clean wood waste" means wood that is free of coatings and preservatives.

"Coal combustion residuals" means any solid waste produced by burning coal, either by itself or in conjunction with natural gas or other carbon-based fuels. "Coal combustion residuals" includes but is not limited to bottom ash, fly ash, slag, and flue gas desulfurization system material generated by coal combustion and associated air pollution control equipment.

"Commercial solid waste" means the same as defined in 40 CFR Section 258.2.

"Commission" means the environmental protection commission.

"Compost" means the product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds and stabilizes the carbon such that it is beneficial to plant growth.

"Compostable" means an organic material that undergoes degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds, and biomass.

"Composting" means the controlled process and management of aerobic, biological decomposition resulting in an innocuous final product. This process significantly reduces the viability of pathogens and weed seeds and stabilizes the carbon such that it is beneficial to plant growth.

"Composting facility" means all related receiving, processing, production, curing, and storage areas and necessary roads, buildings, equipment, litter control devices, pollution control devices, fire control devices, landscaping, gates, personnel and maintenance facilities, sewer and water lines, and process water.

"Comprehensive plan" means a course of action developed and established cooperatively between cities, counties, and municipal solid waste sanitary disposal projects regarding their chosen integrated solid waste management system, its participants, waste reduction strategies, and disposal methods.

"Comprehensive plan amendment" means a notification, filed between comprehensive plan updates, that the planning agency seeks to change the participation or change the designated disposal project(s) as set out in the most recent approved comprehensive plan submittal.

"Comprehensive plan update" means a planning document that provides status reports on the integrated solid waste management system and that describes revision to the information and evaluation of the integrated solid waste management system and the proposed course of action for the next planning cycle.

"Confined aquifer" means an aquifer with a confining bed above and below. Water in a confined aquifer is under pressure such that water rises above the top of the aquifer in a well that penetrates the aquifer.

"Confining bed" means a geologic formation exhibiting relatively low ability to transmit water compared to adjacent formations. Confining beds are typically not capable of yielding usable quantities of water to a well.

"Construction and demolition waste" means waste building materials including wood, metals and rubble that result from construction or demolition of structures.

"Construction and demolition waste disposal site" means a sanitary landfill that accepts only construction and demolition wastes.

"Consumer price index" means the measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

"Contact water" means liquid that has run off, or emerged from, raw feedstock and materials that are being processed, or a liquid that has come into contact with equipment dedicated to the handling of raw feedstocks or unstabilized compost, and that contains extracted, dissolved, or suspended materials. "Contact water" includes condensate from gasses resulting from the composting process but does not include water from curing materials, finished compost, or product storage piles.

"Contaminated animal carcasses" means waste, including carcasses, body parts, and bedding of animals, that was exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Contaminated sharps" means any contaminated object that can penetrate the skin, including but not limited to needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Contaminated soil" means soil that contains any harmful constituent in a concentration that may harm human health.

"Cover material" means soil placed as daily, intermediate, or final cover at a sanitary landfill.

"CRT collection" means any activity by a CRT recycling facility or CRT collection facility involving the collection of discarded CRTs that is not a short-term CRT collection event.

"CRT collection facility" means a property where ongoing CRT collection is the only CRT recycling activity performed.

"CRT recycling" means any process by which discarded CRTs that would otherwise become waste are collected, processed, and returned to use in the form of raw materials or products. CRT recycling includes but is not limited to receiving broken or intact CRTs, intentionally breaking intact CRTs or further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors.

"CRT recycling facility" means a property where CRT recycling takes place. A CRT recycling facility may also collect CRTs.

"Crumb rubber" means a material derived by reducing waste tires or other rubber into uniform granules of 3/8 inch or less, with the inherent reinforcing materials such as steel and fiber removed along with other contaminants.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, or mix cultures.

"Cured compost" means compost that is both stable and mature according to the definitions found in this title.

"Curing" means a continuation of the composting process after the high heat stage during which maturity continues to increase.

"Cut tire" means a waste tire from which the tire face, tread, or sidewall has been cut or removed for beneficial use or final disposal. A cut tire shall consist of pieces greater than 18 inches on any one side.

"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.

"Demanufacturing" means the removal of components, including but not limited to PCB-containing capacitors, ballasts, mercury-containing components, fluorescent tubes, and refrigerants, from discarded appliances.

"Discarded" means no longer to be used for the original intended purpose and means the letting go or throwing away of materials that have become useless or superfluous though often not intrinsically valueless.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"DOT-approved container" means those containers approved by the U.S. Department of Transportation, the agency responsible for shipping regulations for hazardous materials in the United States.

"Downgradient" means direction of decreasing hydraulic head.

"Downgradient well" means a well that has been installed downgradient of the site and is capable of detecting the migration of contaminants from the site.

"Electric generating facility" means electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) Code 221112.

"Existing MSWLF unit" means the same as defined in 40 CFR Section 258.2.

"FAA certified airport" means an airport serving air carriers certified by the Civil Aeronautics Board that has been issued an airport operating certificate from the Administrator of the Federal Aviation Administration pursuant to Section 612 of the Federal Aviation Act, 49 U.S.C. §1432, and 49 CFR Part 139.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste. Any specific 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.

"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.

"Fill material" means material that is used to raise the elevation of, take up space in, or build up the level of the land. For the purposes of beneficial use, fill material is not considered subbase for hard-surface pavement construction or structural fill.

"Finished compost" means compost that has been cured and, if necessary, screened or refined.

"Fiscal year" means the state fiscal year running from July 1 through the following June 30.

"Fixed facility" means a permitted appliance demanufacturer operating at a permanent location.

"Floodplain" means the area adjoining a river or stream that has been or may be hereafter covered by flood water.

"Fluff" means the residual waste from the shredding operation after metals recovery.

"Food processing residuals" means organic materials generated as a by-product of the industrial food processing sector that are nontoxic, are nonhazardous, and contain no sanitary wastewater. The term does not include fats, oil, grease, or Dissolved Air Flotation (DAF) skimmings.

"Foundry sand" means a solid by-product from the foundry industry that is derived from molding, core-making, and casting cleaning processes that primarily contain sand, olivine, or clay and that is suitable for disposal as solid waste in a sanitary landfill.

"Free liquid" means the liquid produced when a 100-milliliter or 100-gram representative sample is placed on a standard mesh number 60 (fine mesh size) conical paint filter for five minutes (Method 9095B EPA SW-846, 2004).

"Friable ACM waste" has the same meaning as in 40 CFR Section 61.141.

"Garbage" means all solid and semisolid putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences.

"General special waste" means special wastes that are commonly accepted by landfills and have specific handling requirements for disposal that are explicitly listed in 567—102.508(455B,455D). General special waste is required to be included in the landfill's special waste acceptance criteria (SWAC) but does not require a special waste authorization (SWA).

"Geologic cross section" means a drawing of a subsurface profile showing the various strata encountered.

"Groundwater flow path" means the route of water and contaminant travel, if any, within a groundwater system.

"HCFC" or *"HCFCs"* means hydrochlorofluorocarbons, including any of several compounds used as refrigerants.

"High water table" means the position of the water table that occurs in times of above normal precipitation.

"Holocene" means the most recent epoch of the Quaternary Period, extending from the end of the Pleistocene Epoch to the present.

"Household waste" has the same meaning as in 40 CFR Section 258.2.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Hydraulic head" means the energy contained at a point in the groundwater system. Hydraulic head is measured as the elevation to which water rises in a piezometer.

"Incidental solid waste transfer" means the truck-to-truck transfer of solid waste from a satellite solid waste collection vehicle to a solid waste collection vehicle if that solid waste could be collected only by a satellite solid waste collection vehicle due to vehicle access restrictions.

"Incineration" means the processing and burning of solid waste for the purpose of volume and weight reduction in facilities designed for such use.

"Incorporation" means to mix into the soil by tilling, disking, or other suitable means.

"Industrial process waste" means a nonhazardous solid waste that is generated as a result of manufacturing activities, product processing, or commercial activities and is managed separately from municipal solid waste, commercial solid waste, and construction and demolition waste. It may include water treatment residuals or waste but does not include office waste, cafeteria waste, or other types that are not the direct result of production processes.

"Industrial sludge" means any sludge produced by industrial activity.

"Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act (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, textile manufacturing; transportation equipment, and water treatment. "Industrial solid waste" does not include mining waste or oil and gas waste.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed of.

"Infectious waste" means waste that is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents; blood and blood products; pathological waste; and contaminated animal carcasses from hospitals or research laboratories.

"Initial comprehensive plan" means a first or new comprehensive plan filed with the department pursuant to Iowa Code section 455B.306.

"Integrated solid waste management" means any solid waste management system that is focused on planned development of programs and facilities that reduce waste volume and toxicity, recycle marketable materials, and provide for safe disposal of any residuals.

"In-vessel" means the use of a drum, silo, bin, tunnel, or other container for the purpose of producing compost.

"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.

"Land application" means a method through which sludge or solid waste is applied to the surface of the ground. Land application may include subsurface injection.

"Landfarm" means the area of land used for landfarming a single application of a particular source and type of PCS.

"Landfarm applicator" means an entity permitted by the department to apply PCS to the land to create one or more landfarms.

"Landfarming" means a surface-level soil remediation technology for petroleum contaminated soils that reduces concentrations of petroleum constituents through biodegradation to a level safe for human health and the environment. This technology usually involves spreading excavated contaminated soils in a thin layer on the ground surface and stimulating aerobic microbial activity within the soils through aeration. The enhanced microbial activity results in degradation of adsorbed petroleum product constituents through microbial respiration. Some petroleum product constituents volatize during the landfarming process.

"Landfarm plot" means the specific operating area of a landfarm upon which a particular source and type of PCS is applied.

"Landfarm season" means the period of the year when the ground is not frozen or snow-covered and runoff from these situations is not expected to transport PCS beyond the landfarm area.

"Landfill property" means the entire area of the landfill including the disposal site and any other contiguous property proposed for actual landfill use.

"Landfill site" means any location; place; or tract of land used for collection, storage, conversion, utilization, incineration or landfilling of solid waste, to include the landfill area, nonfill work areas, borrow areas plus a 100-foot wide perimeter surrounding the working areas or the property line if it is closer than 100 feet to the working areas.

"Land pollution" means the presence in or on the land of any solid waste in such quantity, of such nature, for such duration, and under such condition as would affect injuriously any waters of the state, cause air pollution, or create a nuisance.

"Lateral expansion" means a horizontal expansion of the waste boundaries of an existing sanitary landfill.

"License" means the same as defined in Iowa Code section 17A.2.

"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. This term 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 surface.

"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.

"Maturity" means the degree or level of completeness of composting. Mature compost is free of phytotoxic components.

"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.

"Mercury-containing components" means devices containing mercury. Examples include but are not limited to thermostats, thermocouples, mercury switches, and fluorescent tubes.

"Mobile operation" means a permitted appliance demanufacturer that has equipment capable of operating in an area away from a fixed, permitted location.

"Monitoring well" means any well installed solely for the sampling of groundwater quality at a given location and depth and constructed in a manner approved by the department.

"Municipal solid waste landfill" or *"MSWLF"* 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 Section 257.2. An MSWLF may also receive

other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. An MSWLF may be publicly or privately owned. An MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

"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 Section 257.2. An MSWLF unit may also 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.

"Municipal solid waste sanitary disposal project" means all facilities and appurtenances, including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of household waste without creating a significant hazard to the public health or safety. A municipal solid waste sanitary disposal project may also receive other types of RCRA Subtitle D wastes, such as construction and demolition debris and commercial and industrial solid waste.

"Net worth" means total assets minus total liabilities and is equivalent to an owner's equity.

"Nonfriable ACM waste" means the same as defined in 40 CFR Section 61.141.

"Nonstandard PCS" means soil contaminated with a petroleum product other than gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

"Open burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

"Open dump" means any exposed accumulation of solid waste at a site other than a sanitary disposal project operating under a permit from the department.

"Open dumping" means the illegal depositing of solid wastes on the surface of the ground or into a body or stream of water.

"Operating area" means the immediate portion of a sanitary disposal project used for unloading and handling of solid waste to prepare it for processing or final disposal.

"Operator" means an individual who is employed and assigned to operate the equipment used on the site.

"Organic materials" means any material of animal or plant origin.

"Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation that is the facility owner or operator; the latter corporation is deemed a subsidiary of the parent corporation.

"Passenger tire equivalent" means a conversion measurement that is used to estimate waste tire weights and volume amounts and in which one passenger car tire with a rim diameter of 19 inches or less is equal to 25 pounds. One cubic yard of volume shall contain ten passenger tire equivalents. Tires larger than a passenger car tire shall be evaluated for volume using this conversion measurement.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"PCB" or *"PCBs"* means polychlorinated biphenyl, which is a chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances that contain polychlorinated biphenyl.

"Perched saturated zone" means a localized saturated zone occurring above the regional zone of saturation. The perched saturated zone's presence is caused by a lens of relatively impermeable material within the unsaturated zone that impedes the downward movement of water toward the zone of saturation.

"Petroleum contaminated soil" or *"PCS"* means soil contaminated with petroleum products including but not limited to gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

"Piezometer" means a device used to measure hydraulic head at a specific point in the groundwater system. Piezometers are generally small diameter wells sealed along the entire length and open to water only at the bottom through a short section of well screen, which is the point where hydraulic head is measured. A piezometer may be constructed similar to a monitoring well or may be a driven well point.

"Planning agency" means the designated contact agency on file with the department.

"Planning area" means the combined jurisdiction of the local governments and the designated municipal solid waste sanitary disposal project(s) involved in a comprehensive plan. A planning area may include one or more municipal solid waste sanitary disposal projects.

"Planning cycle" means the length of time between the due date for each comprehensive plan update submittal as approved by the department, which shall be every five years on a schedule prescribed by the department.

"Point of compliance" or *"POC"* means the point at which the sanitary landfill 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 sanitary landfill unit(s) and where groundwater monitoring shall be conducted.

"Point of demanufacturing" means the actual location of demanufacturing for fixed facilities and mobile operations.

"Pollution control waste" means any solid waste residue extracted by, or resulting from, the operation of pollution control equipment.

"Poor foundation conditions" means those areas where features exist that indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF site.

"Potentiometric surface" means the imaginary surface that represents the level to which water from an aquifer (confined or unconfined) will rise in wells.

"Premises" means a geographically contiguous property owned by a generator or noncontiguous property owned by a generator that is connected by a controlled right-of-way to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way are a single premises.

"Processed tire" means a tire that has been processed through grinding, shredding, or other means, thereby producing a material that is readily suitable for marketing into product manufacturing, energy recovery, or other beneficial reuse markets. Waste tires that have been compacted, baled, cut, or shredded without a suitable market shall not be considered processed tires and shall be regulated as solid waste. Waste tires that have been cut into pieces that are not more than 18 inches on any side shall be accepted at a permitted sanitary landfill for final disposal as solid waste.

"Public agency" means the same as defined in Iowa Code section 28E.2.

"Qualified groundwater scientist" means a scientist or 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.

"Raw rendering material" means any body, part of a body, or product of a body of any dead animal that is unwholesome, condemned, inedible, or otherwise unfit for human consumption.

"RCRA" means the Resource Conservation and Recovery Act as amended in 1996 and as implemented through 40 CFR Parts 239 through 282.

"Refuse" means putrescible and nonputrescible solid wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, industrial solid wastes, and sewage treatment wastes in dry or semisolid form.

"Refuse collection service" means a publicly or privately operated agency, business, or service engaged in the collecting and transporting of solid waste for disposal purposes.

"Residential lead-based paint waste" means the same as defined in 40 CFR Section 258.2.

"Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, glass, bedding, crockery, or litter of any kind.

"Runoff" means the same as defined in 40 CFR Section 258.2.

"Run-on" means the same as defined in 40 CFR Section 258.2.

"Salvageable material" means discarded material that is no longer of value for its original purpose but has value if reclaimed.

"Salvaging" means the systematic removal of salvageable material in a formal and orderly manner as a part of the normal operating procedure of a sanitary disposal project.

"Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

"Sanitary landfill" means a discrete area of land or an excavation used for solid waste disposal. Types of sanitary landfills include MSWLFs, construction and demolition debris landfills, industrial landfills, and coal combustion residuals landfills.

"Sanitary landfill operator" means an individual having active, daily on-site responsibility for day-to-day operation of a department-permitted sanitary landfill. This individual must also have the authority to turn waste away at the gate when the waste is considered unacceptable.

"Sanitary landfill unit" means a designated portion of a sanitary landfill's footprint to distinguish the area from other areas.

"Satellite solid waste collection vehicle" means a small, specialized solid waste collection vehicle that has been specifically designed to service locations that have vehicle access restrictions that would otherwise render solid waste collection technically prohibitive.

"Saturated zone" means the same as defined in 40 CFR Section 258.2.

"Scavenging" means the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.

"Seismic impact zone" means an area with a 10 percent or greater probability that the maximum horizontal acceleration in the lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years.

"Service area" means an area served by a specific municipal solid waste sanitary disposal project defined in terms of the jurisdictions of the local governments using the facility. A planning area may include more than one service area.

"Sewage sludge" means the same as defined in Iowa Code section 455B.171(34).

"Shelby tube" means a thin-walled, seamless steel tube with a sharp cutting edge that is used to obtain undisturbed samples of cohesive or moderately cohesive soils (silts and clays).

"Shoreland" means land within 300 feet of the high water mark of any natural or artificial publicly or privately owned lake or any impoundment of water used as a source of public water supply.

"Short-term CRT collection event" means any temporary activity involving the collection of discarded CRTs for recycling that is not on the premises of a CRT recycling facility or CRT collection facility.

"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.

"Small capacitor" means a capacitor that contains less than 1.36 kg (3 lbs) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be considered to contain less than 1.36 kg (3 lbs) of dielectric fluid, and a capacitor whose volume is more than 3,278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs) of dielectric fluid. A capacitor whose volume is between 1,639 and 3,278 cubic centimeters may be

considered to contain less than 1.36 kg (3 lbs) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs).

"Soil boring" means a hole drilled or driven into the subsurface for the purpose of determining subsurface characteristics.

"Soil stabilization" means the treatment or coating of soil to increase or maintain the stability of a mass of soil, to protect soil areas at risk of erosion, or to improve the engineering properties of the soil.

"Solid by-product" means a solid secondary material or residual, produced or created by an industrial, commercial or institutional process or activity. Solid by-products are composed of materials that are suitable for disposal as solid waste in a sanitary landfill.

"Solid waste" means the same as defined in Iowa Code section 455B.301. Pursuant to Iowa Code section 455B.301(29)*"b,"* the commission has determined that solid waste includes those wastes exempted from federal hazardous waste regulation pursuant to 40 CFR 261.4(b), except to the extent that any such exempted substances are liquid wastes or wastewater. This determination shall apply to all chapters within Title VIII.

"Solid waste collection" means the gathering of solid waste from public and private places.

"Solid waste collection vehicle" means a vehicle that has the primary purpose of collecting solid waste from a variety of locations, including at curbside and from dumpsters, compactors, and roll-off boxes.

"Solid waste incinerator operator" means an individual with active, daily on-site responsibility for day-to-day operation of a permitted solid waste incinerator. This individual must also have the authority to turn waste away when it has been determined to be unacceptable.

"Solid waste storage" means the holding of solid waste pending intermediate or final disposal.

"Solid waste transfer station" means any site, location, tract of land, installation or building that has the primary purpose of receiving solid waste generated off the premises from multiple generators and consolidating the waste prior to transporting it to a final disposal facility. A solid waste transfer station is a sanitary disposal project and may hold or store solid waste before transport for a short period. A solid waste transfer station is not a final disposal facility.

"Solid waste transportation" means the conveying of solid waste from one place to another by means of vehicle, rail car, water vessel, conveyor, or other means.

"Solid waste transport vehicle" means a vehicle that has the primary purpose of transporting solid waste received by a solid waste transfer station (e.g., walking floor semi-trailer).

"Source of PCS" means the contaminated area from which the PCS originated. Examples of a source include but are not limited to a specific gas station or spill location.

"Special wastes" means the same as defined in Iowa Code section 455B.304(17).

"Specific yield" means the ratio of the volume of water that a given mass of saturated rock or soil will yield by gravity to the volume of that mass. This ratio is stated as a percentage.

"Split spoon sampler" means a device used in conjunction with a drilling rig to obtain core samples from unconsolidated strata.

"Stability" when used in reference to composting means a stage in the composting process when microbial activity is diminished with the corresponding decrease of available organic carbon and other energy sources. Stable compost consumes little nitrogen and oxygen and generates little carbon dioxide or heat.

"Stabilized sludge" means sludge that has been processed to a point where it has the ability to resist further change, produces minimal odor, and has achieved a substantial reduction in the pathogenic organism content. The department recognizes principles of stabilization other than the conventional biological processes. Whether these processes produce a stabilized sludge will be evaluated on an individual basis.

"Standard PCS" means soil contaminated with gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

"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.

"Storage coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of aquifer per unit change in head.

"Structural components" means liners, leachate collection systems, final covers, run-on/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.

"Structural fill" means the discrete, controlled use of a solid by-product as a substitute for a conventional aggregate, raw material, or soil under or immediately adjacent to a building or structure to provide strength, stability, and improved drainage characteristics (e.g., embankments, trench or foundation backfill, and pipe bedding). Structural fill does not include uses that involve general filling or grading operations that bring a naturally low area up to grade.

"Subbase for hard-surface pavement construction" means material that is used in subsurface applications for the construction of roads, including their shoulders, and parking lots that have hard surfaces such as concrete or asphalt. For the purposes of beneficial use, subbase for hard-surface pavement construction is not considered fill material.

"Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that a currently existing business relationship between the guarantor and the owner or operator is demonstrated to the satisfaction of the department.

"Suitable for disposal as solid waste in a sanitary landfill" means that the material is in compliance with all state and federal rules and regulations pertaining to what may be disposed of in an Iowa sanitary landfill. Such materials are at a minimum nonhazardous and nonradioactive, are solid or semisolid, and do not contain free liquids as defined by Method 9095B (Paint Filter Liquids Test) (2004), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846) that is incorporated by reference.

"Surge pit" means a pit inside a solid waste transfer station building that receives solid waste from the tipping floor or directly from solid waste collection vehicles. Surge pits provide more space for temporary storage during peak operating hours and allow for additional compaction of the solid waste before it is loaded into solid waste transport vehicles.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

"Tar ball" means a ball or conglomeration of tarlike petroleum constituents.

"Tire casing" means a used and worn tire that is suitable for the process of recapping. A tire casing stored for more than one year without being recapped shall be considered a waste tire.

"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 a local government on behalf of a specific third party, and does not include the proceeds from borrowing or asset sales.

"Toxic wastes" means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes that may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport, and disposal of the wastes.

"Transmissivity" means the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient.

"Trees" means trunks, limbs, stumps, or branches from trees or shrubs and untreated, uncoated, chemically unchanged wood wastes. This shall not include wood products that are part of an otherwise defined waste or have been contaminated by coatings, treatments, or metals.

"Tremie tube" means a pipe used to carry materials (e.g. gravel pack, grout) to the bottom of a boring and allow placement from the bottom up without segregation of materials or introduction of appreciable air pockets.

"Truck-to-truck transfer" means the direct transfer of solid waste from one vehicle to a second vehicle with no intermediary handling.

"Type of PCS" means the specific petroleum product or combination thereof that contaminated the soil. Examples include but are not limited to gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

"Unconfined aquifer" means an aquifer that does not have a confining bed above it. The level of water in a well in an unconfined aquifer is below the top of the aquifer formation.

"Unsaturated zone" means the subsurface zone above the water table in which the interstitial spaces are only partially filled with water or not filled at all.

"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 can include poor foundation conditions, areas susceptible to mass movements, and karst terranes.

"Upgradient" means direction of increasing hydraulic head.

"Upgradient well" means a well that is capable of yielding groundwater samples that are representative of regional conditions and are not affected by the landfill site.

"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.

"Used tire" means a tire that previously has been on a vehicle but that retains suitable tread depth and is free of damage or defects so that it may be safely returned to its original purpose.

"Vector" means a carrier organism that is capable of transmitting a pathogen from one organism to another. Vectors include but are not limited to birds, rats and other rodents, and insects.

"Vertical expansion" means additional waste placement on top of or against the side slopes of a previously filled sanitary landfill unit, whether active, closed, or inactive.

"Washwater" means a water-based liquid that has either originated from solid waste unloaded inside the enclosed portion of a solid waste transfer station or that has come into contact with enclosed solid waste transfer station areas that have come into contact with solid waste.

"Waste management unit boundary" means the same as defined in 40 CFR Section 258.2.

"Waste tire stockpile" means a permitted site that is used for the storage, collection, or deposit of waste tires, including indoor, outdoor, and underground storage.

"Water table" means the water surface below the ground at which the unsaturated zone ends and the saturated zone begins.

"Water well" means the same as defined in Iowa Code section 455B.171(44).

"Wearing surface" means a layer or top surface that is in direct contact with traffic or other moving objects and is subject to wear.

"Yard waste" means debris such as grass clippings, leaves, garden waste, brush, and trees. "Yard waste" does not include tree stumps.

"Zone of saturation" means the subsurface zone below the water table in which the interstitial spaces are completely filled with water.

567—100.3(455B,455D) Permit required. No public or private agency shall construct or operate a sanitary disposal project or solid waste management activity without first obtaining a permit from the department. In order to be issued a municipal solid waste sanitary disposal project permit, the permit applicant must also satisfy the comprehensive planning requirements set forth in 567—Chapter 104. The issuance of a permit by the department in no way relieves the applicant of the responsibility of complying with all other local; state; or federal statutes, ordinances, and rules or other requirements applicable to the solid waste management activity.

567—100.4(455B,455D) Types of permits. There are five types of permits issued by the director; all are described in this rule.

100.4(1) *Sanitary disposal project permit.* A sanitary disposal project permit is issued by the director under the authority of Iowa Code section 455B.305 to facilitate the final disposition of solid waste. Such permits are issued for a term of up to ten years and are renewable for similar terms.

a. To be timely filed, an application for renewal must be received at the department's office prior to the expiration date of the existing permit on a form prescribed by the department.

b. The department may conduct an inspection of the sanitary disposal project following receipt of the application for renewal. Following the inspection, the permit holder shall be notified of all measures needed to bring the sanitary disposal project into conformance with Iowa Code chapter 455B and the applicable rules.

c. A permit shall be renewed when a properly completed application has been received and all corrective measures required under 100.4(1)*"b"* have been completed.

100.4(2) *Solid waste management permit.* A solid waste management permit is issued by the director under the authority of Iowa Code chapters 455B and 455D for the management of solid waste. Such permits are issued for a term of up to five years and are renewable for similar terms.

a. To be timely filed, an application for renewal must be received at the department's office prior to the expiration date of the existing permit on a form prescribed by the department.

b. The department may conduct an inspection of the solid waste management activity following receipt of the application for renewal. Following the inspection, the permit holder shall be notified of all measures needed to bring the solid waste management activity into conformance with Iowa Code chapter 455B, Iowa Code chapter 455D, and the applicable rules.

c. A permit shall be renewed when a properly completed application has been received and all corrective measures required under 100.4(2)*"b"* have been completed.

100.4(3) *Developmental permit.* The director may issue a developmental permit for construction and operation of a sanitary disposal project or solid waste management activity that is not specifically described in these rules if the permit applicant demonstrates at a public hearing that the proposed project can provide satisfactory management or disposal of solid waste without adverse health-related or environmental effects.

a. No such permit shall be issued until the director, after public hearing, considers and approves the proposed project.

b. Developmental permits shall be issued for a term no less than one year and no more than three years.

c. Developmental permits may be renewed if the director finds, following public hearing, that the project provided satisfactory management or disposal of solid waste without adverse health-related or environmental effects over the term of the prior permit.

100.4(4) *Temporary permit.* A temporary permit is issued by the director under the authority of Iowa Code section 455B.307(1) for sanitary disposal projects that do not comply with the requirements of Iowa Code chapter 455B and these rules. Such permits are issued for a term of one year and are renewable. Temporary permits may be renewed if the director finds that the public interest will be best served by granting a renewal and the conditions of the previous temporary permit have been complied with.

a. Temporary permits shall incorporate as a condition a compliance schedule specifying how and when the applicant will meet the requirements of Iowa Code chapter 455B and these rules.

b. The decision of the director whether to issue a temporary permit, being discretionary, shall be a final decision. Once a temporary permit has been issued, it may be suspended or revoked only as provided in Iowa Code section 455B.305 and 561—Chapter 7.

100.4(5) *Closure permit.* A closure permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects that no longer accept solid waste. Such permits are issued for a term of up to 30 years. The term of subsequent renewal of the permit, if the post-closure period is extended, will be determined on a site-specific basis. A sanitary disposal project shall

require a closure permit until the department determines that post-closure maintenance, monitoring, and operation of a leachate control system, if applicable, are no longer necessary.

a. Application shall be filed at the time of departmental notification of intended closure.

b. The application for issuance of this permit to a municipal solid waste sanitary disposal project shall be based on a previously approved comprehensive plan and the rules adopted pursuant to the authority of Iowa Code section 455B.306.

c. This permit shall require submission of an annual audit report, pursuant to Iowa Code section 455B.306(9)*"e,"* detailing the status of the financial instrument and other funds as required to guarantee completion of post-closure and monitoring requirements.

d. Requests for permit modification may be initiated by the department or by the permit holder.

e. At the end of the applicable post-closure period, and upon satisfactory completion of all required post-closure activities as established by Iowa Code chapter 455B, written notification shall be issued by the director stating that a permit is no longer required for the facility.

567—100.5(455B,455D) Permit applications.

100.5(1) *Application contents.* Each application for a permit to construct and operate a sanitary disposal project or solid waste management activity shall include the following unless project conditions render the specific item as not applicable. The rationale for exclusion of any item that is determined not to be applicable must be provided in either the body of the application or as a supplement to facilitate department review. Each application shall be on a form prescribed by the department and include specific information as required by 567—Chapter 101 or 102, as applicable.

a. The name, address, email, and telephone number of:

(1) Owner of site where the project will be located.

(2) Permit applicant.

(3) Official responsible for operation of the project.

(4) Professional engineer (P.E.) licensed in the state of Iowa and retained for financial assurance or the design of the facility, if any.

b. A legal description and physical address of the site.

c. A map or aerial photograph locating the boundaries of the site and identifying:

(1) North or other principal compass points.

(2) Zoning and land use within one-half mile.

(3) Haul routes to and from the site with load limits or other restrictions.

(4) Homes and buildings within one-half mile.

(5) Section lines or other legal boundaries.

d. Type, source, and expected volume or weight of solid waste to be handled per day, week, and year.

e. For municipal solid waste sanitary disposal projects, the solid waste comprehensive planning area of the facility and political jurisdictions included within that area.

f. A detailed description of the management or disposal process to be used and the sanitary disposal project designated for final disposal, if applicable.

g. A listing of equipment available on site for operations, including types as well as size, capacity, and production rates.

h. Proof of the applicant's ownership of the site or legal entitlement to use the site for the management of solid waste.

i. A closure plan that:

(1) Details how and when the facility will be closed in accordance with applicable requirements.

(2) Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities, if applicable.

(3) States the name, address, email, and telephone number of the person or office to serve as contact with regard to the facility during the post-closure period, if applicable.

j. For sanitary disposal projects, an emergency response and remedial action plan (ERRAP) pursuant to 567—100.14(455B).

k. Proof of financial assurance pursuant to 567—Chapter 101, Division VIII, for all sanitary disposal projects.

l. Such other information as may be required by the director.

100.5(2) *Incomplete application.* If an application for a permit is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be returned by the department as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional 30 days to complete the application. If an application for renewal or modification is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application for renewal or modification may be denied by the department.

100.5(3) *Factors in permit issuance decision.* The department may request that additional information be submitted for review to make a permit issuance decision. The department shall issue a permit if, after a review and inspection of the facility and its compliance history, the department finds that the facility is in substantial compliance with Iowa Code chapters 455B and 455D, these rules, and the conditions of the permit. If the facility is found not to be in substantial compliance with Iowa Code chapters 455B and 455D, these rules, and the conditions of the permit, or if a good-faith effort to maintain compliance is not being made, the project shall be placed on a compliance schedule approved by the department before the permit is issued. The permit may be issued with new conditions pursuant to 567—100.8(455B,455D).

100.5(4) *Request for permit modification.* A request for permit modification shall be submitted in writing to the department with supporting documentation and materials. The department may also request that information pursuant to 100.5(1) be resubmitted, in part or in whole, in order to make a permit modification decision. The modified permit may be approved with new conditions pursuant to 567—100.8(455B,455D).

567—100.6(455B,455D) Construction and operation. All sanitary disposal projects and solid waste management activities shall be constructed and operated according to the plans and specifications as approved by the department and the conditions of the permit. The approved plans and specifications shall constitute a condition of the permit.

567—100.7(455B,455D) Inspection prior to start-up. The department shall be notified when the construction of a sanitary disposal project or solid waste management activity has been completed, in order that an inspection may be made to determine if the project has been constructed as designed and approved by the department. No solid waste shall be accepted by a sanitary disposal project or solid waste management activity until it has been inspected and approved by the department.

567—100.8(455B,455D) Permit conditions. Any permit may be issued subject to conditions specified in writing by the department that are necessary to ensure that the project is constructed and operated in compliance with Iowa Code chapters 455B and 455D and these rules.

567—100.9(455B,455D) General operating requirements for sanitary disposal projects and solid waste management activities. Every application for a permit issued by the department shall detail the means of compliance with the following operating requirements. All projects shall be operated in conformance with these requirements and any specific requirements of imposed by applicable rules or permit conditions.

100.9(1) Open burning shall be prohibited, except when permitted by 567—Chapter 23. Any burning to be conducted at the site shall be at a location separate and distinct from the operating area.

100.9(2) Unless the project is regulated by 567—101.5(455B), litter shall be confined to the property on which the project is located. At the conclusion of each day of operation, any litter strewn

beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

100.9(3) Scavenging shall be prohibited. Any salvaging to be conducted must be described in the application, and all salvaged materials must be stored and removed from the project site in conformance with the permit conditions. Each area where salvaged materials are stored shall be segregated and clearly marked.

100.9(4) Effective means shall be taken to prevent the attraction or harborage of vectors and to prevent a nuisance or public health hazard.

100.9(5) Equipment designated in the plans and specifications or equivalent equipment shall be used to operate the site at all times.

100.9(6) The major internal roads shall be of all-weather construction and maintained in good condition. Dust shall be controlled on internal roads.

100.9(7) Sites shall have a permanent sign posted at the site entrance specifying:

a. Name of the operation.

b. Site permit number.

c. Hours and days the site is open to the public, if applicable.

d. Categories of waste that will be accepted for disposal or, as an alternative, categories of waste that are prohibited.

e. Telephone number.

567—100.10(455B,455D) General closure requirements for sanitary disposal projects and solid waste management activities. Every application for a permit issued by the department shall detail the means of compliance with the following closure requirements. All projects shall be closed in conformance with these requirements and any specific requirements of imposed by applicable rules or permit conditions.

100.10(1) The owner or operator shall submit to the local political jurisdictions, the department, and the department field office with jurisdiction over the facility at least 90 days written notice of intent to permanently close or suspend operations.

100.10(2) Notice shall be posted at least 90 days prior to closure at the facility indicating the date of closure and alternative solid waste management facilities. If the facility is open to the public, notice of closure shall be published at least 90 days prior to closure in a newspaper of local circulation. This notice shall include the date of closure and, where applicable, identification of alternative solid waste management facilities.

100.10(3) Unless otherwise authorized by the department, implementation of the closure plan shall be completed within 90 days of the closure of the facility. The owner and an Iowa-licensed professional engineer shall certify that the closure plan has been implemented in compliance with this rule, the closure plan, and the permit. Closure shall not be official until the department has inspected the site and given written certification of the completion of proper disposal of all solid waste.

100.10(4) Upon completion of closure activities, as-built plans shall be submitted showing changes from the original design plans, if any; test results indicating compliance with final cover, where applicable; waste removal; equipment decontamination; and other forms of closure documentation requested by the department.

567—100.11(455B,455D) Compliance with rule changes.

100.11(1) *Design and construction.* Sanitary disposal projects and solid waste management activities designed and constructed in accordance with rules in effect at the time of construction shall not be required to be redesigned or reconstructed due to subsequent rule changes unless the department finds that such facilities pose a threat to human health or the environment. Such facilities shall be brought into compliance with rules in effect at the time of reconstruction, expansion, or otherwise modifying the project or at the time of permit renewal.

100.11(2) *Operation.* If any new rule conflicts with an operating procedure prescribed in the engineering plans or the permit of a sanitary disposal project or solid waste management activity, the operation shall conform with the new rule.

567—100.12(455B,455D) Transfer of title. If title to a sanitary disposal project or solid waste management activity is transferred and the transferee desires to continue operation of the project, the transferee shall apply in writing to the department within 30 days of the title transfer for a transfer of the permit.

100.12(1) The department shall transfer the permit when it determines that the site is in compliance with Iowa Code chapters 455B and 455D, these rules, and the conditions of the permit and that the transferee possesses the equipment and personnel to operate the project in conformance with applicable rules and the conditions of the permit.

100.12(2) No permit is valid after 60 days following transfer of title unless the permit has been transferred by the department to the new titleholder pursuant to this rule. If the permit has not been transferred within 60 days, the new titleholder shall submit a complete permit application to operate the sanitary disposal project or solid waste management activity pursuant to 567—100.5(455B,455D).

567—100.13(455B,455D) Effect of revocation. The director may revoke and reissue, or terminate, in whole or in part, any license or permit for cause. If a license or permit held by any public or private agency for a sanitary disposal project or solid waste management activity is revoked by the director, no new license or permit shall be issued to that agency for that project for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a license or permit for the project to another public or private agency.

567—100.14(455B) Emergency response and remedial action plans.

100.14(1) *Purpose.* The purpose of this rule is to implement Iowa Code section 455B.306(7)*"d"* by providing the criteria for developing a detailed ERRAP for permitted sanitary disposal projects. Each ERRAP shall include established provisions to minimize the possibility of fire; explosion; or any release to air, land, or water of pollutants that could threaten human health and the environment and to identify possible occurrences that may endanger human health and the environment.

100.14(2) *Applicability.* This rule applies to the owners or operators of all sanitary disposal projects that are permitted pursuant to 567—Chapter 101 and any activity deemed necessary by the department to maintain an ERRAP as part of their permit. The ERRAP does not replace or supersede other regulatory requirements related to public health, safety, or welfare.

100.14(3) *Submittal requirements.*

a. The owner or operator of a facility that is subject to this rule shall, at the time of application, incorporate a complete, detailed ERRAP that meets the requirements set forth in this rule.

b. An updated ERRAP shall be submitted at the time of each permit renewal or permit reissuance application and with any request for permit modification or significant change in facility operation that requires revision of the currently approved ERRAP.

100.14(4) *Content.* The content of ERRAP documents shall be concise and readily usable as a reference manual by facility managers and operators during emergency conditions. The ERRAP document content shall address at least the following primary issues in detail unless project conditions render the specific issue as not applicable. The rationale for exclusion of any issue areas that are determined not to be applicable must be provided in either the body of the plan or as a supplement to facilitate department review. Additional ERRAP requirements unique to the facility shall be addressed, as applicable.

a. Facility information.

(1) Permitted agency.

(2) Department permit number.

(3) Facility description.

(4) Responsible official and contact information.
(5) Project location.
(6) Site and environs map.
b. Regulatory requirements.
(1) Iowa Code section 455B.306(7)*"d"* criteria citation.
(2) Reference to provisions of the permit.
c. Emergency conditions—response activities—remedial action for short-term (48 hours or less) and long-term (over 48 hours) for the following:
(1) Failure of utilities that impede or prohibit operation of the facility, including but not limited to power/electricity and communications.
(2) Weather-related events that impede or prohibit operations of the facility, including but not limited to flooding and storms.
(3) Fire and explosions related to solid waste.
1. Solid waste fires, including landfill working face.
2. Hot loads.
3. Landfill gas.
(4) Solid waste spills and releases, including but not limited to waste materials, leachate, and landfill gas.
(5) Mass movement of land and waste, including but not limited to earthquakes, slope failures, waste shifts, or subsidence.
(6) Emergency notifications and reporting.
1. Federal agencies.
2. State agencies.
3. Local agencies.
4. News media.
5. Public and private facilities with special populations within five miles.
6. Emergency response agencies and contact information.
7. Reporting requirements and forms.
(7) Emergency waste management procedures.
1. Communications and public relations.
2. Temporary discontinuation of services—short- and long-term.
3. Facilities access and rerouting.
4. Waste acceptance.
5. Wastes in process.
6. Equipment.
(8) Emergency aid.
1. Responder contacts.
2. Medical services.
3. Contracts and agreements.
(9) ERRAP training requirements.
1. Training providers.
2. Employee orientation.
3. Annual training updates.
4. Training completion and recordkeeping.

100.14(5) *ERRAP review.* The ERRAP shall be developed with the review and input of the local fire department and local emergency management coordinator. Documentation shall be maintained that such review and input has been requested.

567—100.15(455B) Laboratory analyses. Analyses for a contaminant regulated under Title VIII must be performed by a laboratory certified for the analyte(s) and applicable method pursuant to 567—Chapter 83.

These rules are intended to implement Iowa Code sections 455B.304 and 455B.305 and chapter 455D.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 101, 106, 113, 114, 115
"Sanitary Disposal Projects"

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

- Divisions I through V: 455B.304
- Division VI: 455B.304(12)
- Division VII: Not applicable (reserved)
- Division VIII: 455B.304(8) and 455B.306(9)

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 455B, subchapter 4, part 1, and 40 CFR Part 258

Public Hearing

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

October 7, 2025	Via videoconference call
2 p.m.	Contact: EO10_solidwaste@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at EO10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Sullivan, Supervisor
Solid Waste and Contaminated Sites Section
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: EO10_solidwaste@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 101 is a consolidation of six chapters related to sanitary disposal projects. No new programs are being proposed. The chapter will contain the following eight divisions, including one reserved division:

Division I—Landfill-Specific Requirements: Provides general landfill-specific requirements for sanitary disposal projects regulated in Divisions II, III, and IV of Chapter 101.

Division II—Municipal Solid Waste Landfills: Implements Iowa Code chapter 455B, subchapter IV, (Solid Waste Disposal) and protects 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 municipal solid waste landfills. Notably, these rules have been promulgated in the Federal Register as part of Environmental Protection Agency's approval of Iowa's program.

Division III—Industrial Landfills: Establishes rules for the siting, designing, and operating of sanitary landfills accepting only industrial solid waste or only construction and demolition debris. As part of this rulemaking, the permit period for industrial landfills was extended to five years, up from three years.

Division IV—Coal Combustion Residuals Landfills: Establishes rules for the siting, designing, and operating of a sanitary landfill accepting only coal combustion residuals.

Division V—Solid Waste Transfer Stations: Establishes rules for the collection, temporary storage, and transfer of solid waste prior to final disposition. This includes the siting, designing, and operating of transfer stations. As part of this rulemaking, the permit period for solid waste transfer stations was extended to five years, up from three years.

Division VI—Solid Waste Incinerator Operator Certification: Provides the criteria for establishing the certification of operators of solid waste incinerators to help ensure the safe and proper management for disposal of waste.

Division VII—Infectious Waste Treatment and Disposal: Reserved.

Division VIII—Financial Assurance: Provides criteria for establishing financial assurance for closure, post-closure care, and corrective action at sanitary disposal projects.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

All costs incurred to comply with this chapter are borne by the permit applicant and not the public. Costs to the permit applicant are project-specific.

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

This chapter protects human health and the environment by providing for the safe and efficient disposal of solid waste, which is a benefit to all Iowans.

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

- **Quantitative description of impact:**

Costs to the permit applicant are project-specific and not easily definable, and it is important to note that there are no permitting fees associated with this chapter.

- **Qualitative description of impact:**

The rules in this proposed chapter have been reviewed and revised consistent with Executive Order 10. This review has resulted in consolidation of multiple and significant redundant requirements, provides for better organization of the rules, and dramatically reduces the size of the rules. Because there have been no substantive changes to the rules in the proposed chapter, there are no anticipated cost increases associated with this rulemaking.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time in administering and enforcing the general conditions of solid waste disposal. The Department issues permits, conducts inspections, and reviews reports to ensure projects meet the applicable requirements. No other State agency incurs costs associated with the implementation of this chapter.

- **Anticipated effect on State revenues:**

The impact on State revenues will be neutral since there are no fees or other revenues associated with this chapter.

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

The Department has been regulating the safe disposal of solid waste since the mid-1970s. There is no evidence of significant environmental impact from proper disposal of solid waste in modern, lined landfills, and associated sanitary disposal projects such as transfer stations. Conversely, data shows that the unregulated disposal of solid waste has a negative impact on the environment. Therefore, inaction would remove the current protections of human health and the environment that Iowans expect.

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

Regulation of solid waste disposal is required by the Iowa Code and federal law. Further, the rules were reviewed and revised consistent with Executive Order 10.

6. **Alternative methods considered by the agency:**

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

No alternative methods were considered.

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

Regulation of solid waste disposal is required by the Iowa Code and federal law. Further, these rules were reviewed and revised consistent with Executive Order 10. The proposed rulemaking provides a streamlined and up-to-date format compared to the previous chapters.

Small Business Impact

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

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

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

In general, applicants for sanitary disposal projects, especially for sanitary landfills, are not small businesses. Where legal and feasible, considerations were made to accommodate the business practices of smaller entities, including permit-by-rule accommodations, expediting registration procedures, and extending the permit length for sanitary disposal projects often managed by small businesses.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 101 and adopt the following **new** chapter in lieu thereof:

CHAPTER 101
SANITARY DISPOSAL PROJECTS

DIVISION I
LANDFILL-SPECIFIC REQUIREMENTS

567—101.1(455B) Purpose, applicability, and compliance. The purpose of this division is to provide sanitary landfill-specific requirements for sanitary disposal projects regulated in Divisions II, III, and IV of this chapter. All sanitary landfills regulated in Divisions II, III, and IV of this chapter must comply with the provisions of this division and with 567—Chapter 100, except as noted below and in those respective divisions.

101.1(1) Municipal solid waste landfills that did not receive waste after October 9, 1994, shall be governed by the closure permit issued or the rules in place at the time for post-closure activities.

101.1(2) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.2(455B) Farm exceptions. This chapter does not apply to farm waste and farm buildings that are disposed of in compliance with the following requirements.

101.2(1) A private agency may dispose of farm waste and farm buildings without first having obtained a sanitary disposal project permit, provided that the disposal is in accordance with 101.1(3), the rules of the department of agriculture and land stewardship, and the following:

a. The farm waste was owned by the private agency and was used on the premises where disposal occurs.

b. Prior to disposal of vehicles, machinery, and equipment, all fluids are drained, including motor oils, motor fuels, lubricating fluids, coolants and solvents, and agricultural chemicals; and all batteries and rubber tires are removed.

c. Prior to disposal of storage or feeding equipment, the equipment is emptied of all contents not otherwise authorized for burial pursuant to these rules.

d. Farm buildings have been emptied of contents not otherwise authorized for burial pursuant to these rules and have been buried on the premises where they were located.

e. All materials drained or removed from farm waste or farm buildings prior to disposal are recycled, reused, or disposed of in accordance with Iowa Code chapter 455B and the rules implementing that chapter.

f. The farm waste and farm buildings are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) as being moderately well drained, well drained, somewhat excessively drained, or excessively drained soils. Other soils may be used if artificial drainage is installed to obtain water-level depth more than two feet below the burial depth of the waste.

g. The lowest elevation of the burial pit is six feet or less below the surface.

h. The farm waste and farm buildings are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 24 inches of soil.

101.2(2) A private agency may dispose of dead farm animals without first having obtained a sanitary disposal project, provided that the disposal is in accordance with 101.2(3), the rules of the department of agriculture and land stewardship, and the following:

a. The dead farm animals result from operations located on the premises where disposal occurs.

b. A maximum loading rate is maintained of seven cattle, 44 swine, 73 sheep or lambs, or 400 poultry carcasses on any given acre per year. All other species will be limited to two carcasses per acre. Animals that die within two months of birth may be buried without regard to number.

c. The dead animals are buried in soils as being moderately well drained, well drained, somewhat excessively drained, or excessively drained soils. Other soils may be used if artificial

drainage is installed to obtain water-level depth more than two feet below the burial depth of the waste.

d. The lowest elevation of the burial pit is six feet or less below the surface.

e. The dead farm animals are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 30 inches of soil.

101.2(3) Farm waste, farm buildings, and dead farm animals must be disposed of in accordance with the following separation distances:

a. At least 100 feet from any private and 200 feet from any public well that is being used or would be used without major renovation for domestic purposes.

b. At least 50 feet from any adjacent property line.

c. At least 500 feet from an existing neighboring residence.

d. More than 100 feet from any body of surface water such as a stream, lake, pond, or intermittent stream, except as provided in 101.2(3)*"f."*

e. Outside the boundaries of a floodplain, wetland, or shoreline area, except as provided in 101.2(3)*"f."*

f. Trees, brush and grubbed stumps generated as a result of clearing, snagging, or maintenance or repair of drainage ditches or outlets may be buried within 100 feet of a surface water and within a floodplain or shoreline area.

567—101.3(455B) Definitions. For the purposes of this division, the definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall be incorporated by reference.

567—101.4(455B) Permits. In addition to the permit requirements in 567—Chapter 100 and as otherwise required by law, the following permit requirements shall apply to all sanitary landfills.

101.4(1) *Operating permits.* An MSWLF, construction and demolition debris, or industrial landfill operating permit shall be issued and may be renewed for a period no longer than five years. A coal combustion residuals landfill operating permit shall be issued and may be renewed for a period no longer than ten years. If an MSWLF adopts research, development, and demonstration (RD&D) provisions pursuant to 101.104(2), an MSWLF operating permit with RD&D provisions shall be issued and may be renewed for a period no longer than three years.

101.4(2) *Closure permits.* An MSWLF or industrial landfill closure permit shall be issued for a period of 30 years. A coal combustion residuals landfill closure permit shall be issued for a period of ten years. A sanitary landfill requires a closure permit until the department determines that post-closure operations are no longer necessary. 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 a sanitary landfill has completed all required post-closure 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. If the department extends the post-closure period, then the duration of the subsequent closure permit will be determined on a site-specific basis.

567—101.5(455B) Applications and construction requirements. Unless otherwise authorized by the department, a permit applicant shall submit on a form prescribed by the department, and shall provide evidence demonstrating how the landfill will comply with the requirements in 567—Chapter 100, the following general requirements, and any requirements specified in the applicable division of this chapter.

101.5(1) *Local siting approval.* Documentation that local siting approval pursuant to Iowa Code section 455B.305A, if applicable, has been obtained.

101.5(2) *Separation from groundwater.* The base of a sanitary landfill unit shall be situated so that the base of the waste within the proposed unit is at least five 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 a sanitary landfill unit from the high water table shall be measured and maintained in a manner acceptable to the department.

101.5(3) *Wells.* A sanitary landfill unit shall not be within 1,000 feet of any water well in existence at the time of receipt of the original permit application or application to laterally expand the permitted sanitary landfill unit for the facility. 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.

101.5(4) *Floodplains.* New sanitary landfill units or lateral expansions shall not be located in a 100-year floodplain. Existing sanitary landfills located in 100-year floodplains must demonstrate to the department that the unit will not restrict the flow of a 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. For purposes of this subrule, the definitions for floodplain, 100-year flood, and washout are the same as defined in 40 CFR 258.11.

567—101.6(455B) General operating requirements. In addition to the general operating requirements in 567—Chapter 100, the following shall apply to all sanitary landfills unless otherwise noted.

101.6(1) *Controlled access.* Sanitary landfills will 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.

101.6(2) *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.

101.6(3) *All-weather access to disposal.* A disposal area shall be accessible during all weather conditions when the landfill is open.

101.6(4) *Salvaged and processed materials.* Salvaged and processed materials (e.g., scrap metal, compost, mulch, aggregate, tire chips) from a sanitary landfill shall be managed and stored in an orderly manner that does not create a nuisance or encourage the attraction or harborage of vectors.

101.6(5) *Vector control.* Sanitary landfills shall prevent or control the on-site populations of vectors using techniques appropriate for the protection of human health and the environment.

101.6(6) *Litter control.* Sanitary landfills 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.

101.6(7) *Dust control.* Sanitary landfills shall take steps to minimize the production of dust so that unsafe or nuisance conditions are prevented.

101.6(8) *Mud control.* Sanitary landfills shall take steps to minimize the tracking of mud by vehicles exiting the facility so that slick or unsafe conditions are prevented.

101.6(9) *Leachate and wastewater treatment.* The leachate management system shall be managed and maintained pursuant to the requirements of Divisions II, III, and IV of this chapter. 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 a publicly owned wastewater treatment works (POTW) or by the effluent discharge limits established by a National Pollutant Discharge Elimination System (NPDES) permit. Documentation of the pretreatment permit or pretreatment agreement with the POTW or NPDES permit must be submitted to the department. All leachate and wastewater treatment systems shall conform to the department's wastewater design standards.

101.6(10) *Signage.* Facilities open to the public shall have signs or pavement markings indicating on-site traffic patterns.

101.6(11) *Traffic control.* Adequate queuing distance shall be provided for vehicles entering and exiting the property.

567—101.7(455B) Sanitary landfill operator certification. Sanitary landfill operators shall be trained, tested, and certified by a department-approved certification program.

101.7(1) A sanitary landfill operator shall be on duty during all hours of operation of all sanitary landfills, except coal combustion residuals sanitary landfills, consistent with the respective certification.

101.7(2) 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 prior approval by the department.

101.7(3) A sanitary landfill operator certification is valid until June 30 of the following even-numbered year.

101.7(4) The required basic operator training course for a certified sanitary landfill operator shall have at least 20 contact hours and shall address the following areas at a minimum:

a. Description of types of wastes.
b. Interpreting and using engineering plans.
c. Construction surveying techniques.
d. Waste decomposition processes.
e. Geology and hydrology.
f. Landfill design.
g. Landfill operation.
h. Environmental monitoring.
i. Applicable laws and regulations.
j. Permitting processes.
k. Leachate control and treatment.

101.7(5) 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.

101.7(6) Fees.

a. The fee for each examination is $20.

b. 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.

c. The certification renewal is $24.

d. The penalty fee is $12.

101.7(7) Examinations.

a. The operator certification examinations shall be based on the basic operator training course curriculum.

b. All individuals wishing to take the examination required to become a certified operator of a sanitary incinerator shall complete an operator certification examination application on a form prescribed by the department. 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 Iowa Department of Natural Resources, 6200 Park Avenue, Des Moines, Iowa 50321. Application for examination must be received by the department prior to the date of examination.

c. A properly completed application for examination shall be valid for one year from the date the application is approved by the department.

d. 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.

e. 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.

f. Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

g. Completed examinations will be retained by the department for a period of one year, after which they will be destroyed.

h. Oral examinations may be given at the discretion of the department.

101.7(8) Certification.

a. 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.

b. 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 prescribed by the department and shall be accompanied by the certification fee.

c. Applications for certification by examination that 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.

d. 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 approved.

e. For applicants who have been certified under voluntary certification programs in other states, the department shall consider certification by reciprocity if the applicant has 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.

f. Applicants who seek Iowa certification pursuant to 101.7(8)*"d"* and *"e"* shall submit an application for examination accompanied by a letter requesting certification pursuant to this subrule. Application for certification pursuant to this subrule shall be received by the department in accordance with 101.7(8)*"b"* and *"c."*

101.7(9) Duration and renewal of certification. 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.

a. Late application for renewal of a certificate may be made, provided that such late application shall be received by the department within 30 days of the expiration of the certificate. Such late application shall be on forms prescribed by the department and accompanied by the penalty fee and the certification renewal fee.

b. 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 101.7(8).

c. An operator shall not continue to operate a sanitary landfill after expiration of a certificate without renewal thereof.

d. Continuing education must be earned during the two-year certification period. All certified operators must earn eight contact hours per certificate during each two-year period. The two-year period will begin upon issuance of certification.

e. 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 by the department.

f. 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.

g. 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 that prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.

h. 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.

i. 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, 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, 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.

101.7(10) Discipline of certified operators.

a. 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 sanitary 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.

b. 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.

c. 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 101.7(10)*"a"* 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.

101.7(11) 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.

101.7(12) 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 that 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 101.7(10). All sanitary landfills, with the exception of coal combustion residuals landfills, shall have at least one sanitary landfill operator trained, tested, and certified by a department-approved program.

567—101.8(455B) Groundwater monitoring and reporting.

101.8(1) The planning, monitoring, and reporting for groundwater monitoring at a sanitary landfill shall be performed by a qualified groundwater scientist.

101.8(2) 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. Figure 1 contains a general diagram of a properly constructed monitoring well.

a. 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.

b. 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.

c. Each groundwater monitoring point must have a unique and permanent number, and that number must never change or be used again at the sanitary landfill. 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)”.

d. Monitoring well construction 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 on a form prescribed by the department and that a copy is sent to the department.

e. Monitoring well casings shall comply with the following requirements:

(1) The diameter of the inner well casing (e.g., Figure 1) of a monitoring well shall be at least two inches.

(2) Plastic-cased wells shall be constructed of materials with threaded and non-glued 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.

f. 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 ten 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 five feet above and below the observed water table unless local conditions are known to produce greater fluctuations. Screen length for piezometers shall be two feet or less. Multiple-screened, single-cased wells are prohibited.

g. 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.

h. 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.

i. 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:

1. The inside diameter of the protective metal casing shall be at least 2 inches larger than the outer diameter of the monitoring well casing.

2. 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.

3. 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 three 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.

4. The inside of the protective casing shall be sealed with bentonite grout from the frostline to the ground surface.

5. A vented cap shall be placed on the monitoring well casing.

6. 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.

j. 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.

101.8(3) 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.

a. The following information shall be placed in the operating record on a form prescribed by the department 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.

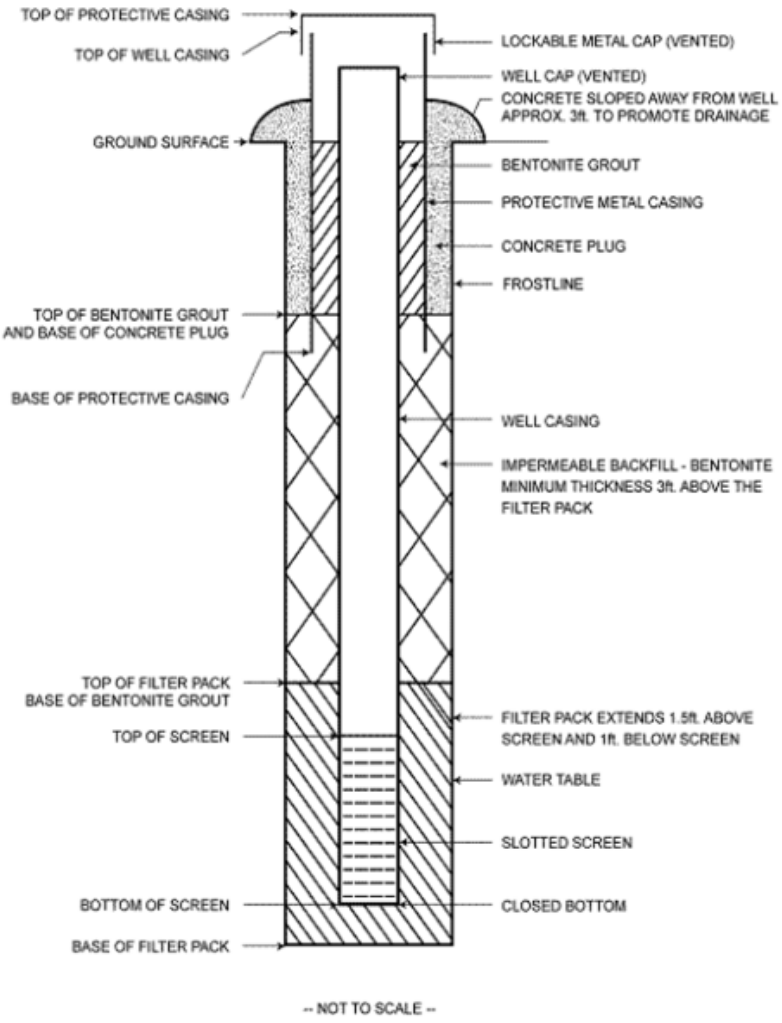
b. The monitoring point materials (e.g., protective casing, casing, screen) shall be removed. If drilling is utilized to remove the materials, then the drilling shall be to the maximum depth of the previously drilled monitoring point. All drilling debris shall be cleaned from the interior of the borehole.

c. 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.

d. After 24 hours, the bentonite grout shall be retopped if it has settled below the ground surface.

101.8(4) Groundwater samples shall not be field-filtered prior to laboratory analysis.

Figure 1 – Typical Monitoring Well Cross-Section



567—101.9(455B) Contingency planning. In addition to the emergency response and remedial action plan (ERRAP) requirements in 567—Chapter 100, all sanitary landfills shall include a contingency plan in their ERRAP detailing specific procedures to be followed in case of equipment breakdown, maintenance downtime, or fire in equipment or vehicles, including methods to be used to remove or dispose of accumulated waste.

567—101.10(455B) Disruption and excavation of sanitary landfills or closed dumps. No person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the department in writing.

101.10(1) Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where material is to be disposed, and estimated time required for excavation procedures.

101.10(2) An excavation shall be confined to an area consistent with the number of pieces of digging equipment and trucks used for haulage.

101.10(3) The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and applicable solid or hazardous waste regulations.

567—101.11(455B) Transfer of title. If title of a closed sanitary disposal project is transferred, any future waste exhumation activities, excluding repairs or maintenance activities, are considered to be operation of the landfill due to the similar environmental effects possible from the two activities due to waste exposure.

These rules are intended to implement Iowa Code section 455B.304 and chapter 455D.

567—101.12 to **101.100** Reserved.

DIVISION II
MUNICIPAL SOLID WASTE LANDFILLS

567—101.101(455B) Purpose. The purpose of this division is to implement Iowa Code chapter 455B, subchapter IV (solid waste disposal), and 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 division details the permitting, siting, design, operating, monitoring, corrective action, reporting, recordkeeping, closure, and post-closure requirements for sanitary landfills accepting municipal solid waste.

567—101.102(455B) Applicability and compliance.

101.102(1) This division shall apply to sanitary landfills that are constructed and operated exclusively for the final deposition of municipal solid waste.

101.102(2) Pursuant to Iowa Code section 455B.305(1), an MSWLF shall not be constructed or operated without first obtaining a permit from the department pursuant to this division, the requirements set forth in 567—Chapter 100, and Division I of this chapter.

101.102(3) The issuance of a permit to an MSWLF pursuant to this chapter in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes; ordinances; and rules or other requirements applicable to the construction and operation of an MSWLF.

101.102(4) Sanitary landfills accepting municipal solid waste must comply with the provisions of this division.

101.102(5) These rules do not pertain to the management and disposal of special wastes. Division VI of this chapter contains rules pertaining to the management and disposal of special wastes.

101.102(6) These rules do 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 post-closure activities for such MSWLF units.

101.102(7) This division does not apply to MSWLF units that ceased receiving waste before October 1, 2007, and are not contiguous with MSWLF units that continued 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 post-permit activities for such MSWLF units, except as follows:

a. Financial assurance in accordance with 567—101.114(455B) shall be required.

b. Surface water sampling in accordance with 101.110(3) shall be required.

c. MSWLF units 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.

d. 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 101.102(7)*"d"*(1) and *"d"*(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 exceedance, then the owner or operator shall comply with the groundwater assessment monitoring program requirements in 101.110(6) and corrective action requirements in 101.110(7), 101.110(8), and 101.110(9), if necessary.

101.102(8) 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 units are causing pollution or that continued use of such units will result 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 101.107(5) to be placed between the area of vertical expansion and the underlying noncompliant MSWLF unit.

b. Except as authorized by 101.102(8)*"a,"* if any new regulation 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 regulation.

101.102(9) Equivalency review procedure.

a. In approving a permit application under this division, the department may authorize, in writing, alternatives to the design requirements in this division only if, and only to the extent that, specific rules in this division expressly state that alternatives may be authorized under this division.

b. An owner or operator requesting an alternative design under this division 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 division 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 provide protection equivalent to the design requirements in this division 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.

101.102(10) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.103(455B) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall apply to this division.

567—101.104(455B) Permits.

101.104(1) *Applicability.* For purposes of this division, the permit requirements in 567—Chapter 100; Division I of this chapter, and this rule apply.

101.104(2) *Research, development, and demonstration (RD&D) permits.* The director or the director's designee may issue an RD&D permit that overrides the applicable portions of this division pursuant to 40 CFR 258.4 without issuing a waiver pursuant to 561—Chapter 10. A permit amendment from the department for leachate recirculation only does not require an RD&D permit.

101.104(3) *Notice and public participation in the MSWLF permit issuance and post-permit actions.*

a. For the purposes of this subrule, "post-permit actions" includes permit renewals and requests for the following facility modifications:

(1) Change in an MSWLF facility boundary or an MSWLF unit.

(2) Application for an RD&D permit pursuant to 101.104(2).

(3) Installation of a landfill gas collection system.

(4) Application for a closure permit for an MSWLF unit.

(5) Transfer of an MSWLF permit to a new owner.

(6) Waiver from this division under 567—101.115(455B).

(7) Change in the post-permit 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 post-permit action, public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the permit or post-permit action request. Procedures for the circulation of public notice shall include at least the following:

(1) Upon receipt of the permit application or post-permit action request, the department shall determine whether public notice is required in accordance with this subrule. If public notice is required, then the department shall prepare the public notice that 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 posted on the department's webpage.

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 post-permit 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. The period for comment may be extended at the sole 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 that result in the submittal of the permit application or post-permit 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 post-permit action request. A statement of procedures to request a public hearing pursuant to 101.104(3)*"e"* shall be included.

(5) Locations where copies of the permit application or post-permit action request may be reviewed and the times at which the copies shall be available for public inspection.

e. The applicant or any interested agency, person, or group of persons may request or petition for a public hearing with respect to an MSWLF permit application or post-permit 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 101.104(3)*"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 sole 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 post-permit action request.

g. The contents of public notice of any hearing held pursuant to 101.104(3)*"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 post-permit 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 post-permit 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—101.105(455B) Permit applications. Unless otherwise authorized by the department, a permit applicant shall submit on a form prescribed by the department compliance with the requirements in 567—Chapter 100 and Division I of this chapter and the following information:

1. A site exploration and characterization report for the facility that complies with the requirements of 101.106(3).

2. Plans and specifications for the facility, and quality control and assurance (QC&A) plans, that comply with the requirements of 101.107(4).

3. A development and operations (DOPs) plan for the facility.

4. An environmental monitoring plan that complies with the requirements of 567—101.109(455B) and 567—101.110(455B).

5. The project goals and timelines and other documentation as necessary to comply with 101.104(2) and other requirements of the department if an RD&D permit is being requested or renewed.

6. A closure and post-closure plan that complies with the requirements of 567—101.112(455B) and 567—101.113(455B).

567—101.106(455B) Siting and location requirements. This rule applies to new MSWLF units and horizontal expansions of existing MSWLF units. Except for 101.106(2), this rule does not apply to

permitted MSWLF units that have been approved prior to October 1, 2007. Information required to document compliance with 567—101.106(455B) shall be consolidated and maintained in a site exploration and characterization report pursuant to 101.106(3).

101.106(1) *Location restrictions.* MSWLFs shall comply with the following location restrictions.

a. Airports.

(1) No new MSWLF shall be constructed or established within six miles of a smaller public airport unless approved or authorized by the Federal Aviation Administration (FAA).

(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 and obtain its approval 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 or 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. Wetlands. New MSWLF units and lateral expansions shall not be located in wetlands unless the owner or operator can make the demonstrations in 40 CFR 258.12 to the department.

c. Fault areas. New MSWLF units or 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.

d. Seismic impact zones. 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.

e. Unstable areas. Owners or operators of new MSWLF units, existing MSWLF units, or 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).

f. Property line setback. An MSWLF unit shall be at least 50 feet from an adjacent property line.

g. 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.

101.106(2) *Soil and hydrogeologic investigations.* An MSWLF shall have a qualified groundwater scientist, as defined in 567—101.3(455B), 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. An 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 hydraulic conductivity 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 101.110(2).

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 101.106(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 40 CFR Part 258, 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 that 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. 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.

101.106(3) *Site exploration and characterization report.* An MSWLF shall develop and submit to the department for review a site exploration and characterization report. At a minimum, the site exploration and characterization report shall detail compliance with the requirements of this rule and 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 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 post-closure 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 one-half mile.

(4) Haul routes to and from the facility, including load limits or other restrictions on those routes.

(5) Topography within one-half mile.

(6) Applicable setback distances and location requirements pursuant to this rule, including:

1. Airports within six 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. Water wells within 1,000 feet of upgradient existing, new, and planned MSWLF units.
8. Public water wells within one mile of upgradient existing, new, and planned MSWLF units.
9. Boundaries of the existing, new, and planned MSWLF units and the facility property line.
10. Housing and sensitive populations within 500 feet of existing, new, and planned MSWLF units.

f. The bird-aircraft hazard demonstration pursuant to 101.106(2)*"a,"* if applicable.

g. The floodplain demonstration pursuant to 101.106(2)*"b,"* if applicable.

h. The wetlands demonstration pursuant to 101.106(2)*"c,"* if applicable.

i. The fault area demonstration pursuant to 101.106(2)*"d,"* if applicable.

j. The seismic impact zone demonstration pursuant to 101.106(2)*"e,"* if applicable.

k. The unstable area demonstration pursuant to 101.106(2)*"f,"* if applicable.

l. Copies of written agreements with surrounding property owners pursuant to 101.106(2)*"l,"* if applicable.

m. The soil and hydrogeologic investigation description and analysis pursuant to 101.106(3)*"e."*

567—101.107(455B) MSWLF unit design and construction standards. MSWLF units shall be designed and constructed in accordance with this rule.

101.107(1) *Plans and specifications.*

a. Unless otherwise requested by the department, one copy of plans, specifications, and supporting documents shall be provided to the department for review.

b. 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.

101.107(2) *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 101.107(4)*"b"* and *"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.

101.107(3) *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 101.107(5)*"a"*(1) or an alternative liner system that complies with the requirements of 101.107(5)*"a"*(2). Liners utilizing compacted soil must place the compacted soil in lifts no thicker than eight inches after compaction.

(1) Composite liner systems.

1. A composite liner consists of two components, an upper flexible membrane liner and a lower compacted soil liner.

2. The upper component must consist of a minimum 30 mil flexible membrane liner. Flexible membrane liner components consisting of high-density polyethylene (HDPE) shall be at least 60 mil thick. The flexible membrane liner 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 two-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 eight 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 101.102(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 567—101.107(455B) will not be exceeded in the uppermost aquifer at the relevant point of compliance, as specified pursuant to 101.107(5)*"a"*(2)"2." Alternative liners utilizing compacted soil must place the compacted soil in lifts no thicker than eight 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 101.110(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 101.102(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-Trichloroethane	0.2
Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl chloride	0.002

b. Leachate collection system. 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 post-closure 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 post-closure 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 (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 101.102(11) (relating to equivalency review procedure), the following design requirements shall apply:

1. A geotextile cushion over the flexible membrane liner if the system utilizes such a liner 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 four inches in diameter at the base of the liner slope(s), surrounded by the high hydraulic-conductivity material listed in 101.107(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 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 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 101.102(11) (relating to equivalency review procedure), the leachate storage structures shall be able to store at least seven 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 seven-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 seven 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 101.110(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 National Pollutant Discharge Elimination System (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.

101.107(4) *Quality control and assurance program (QC&A).* MSWLF units shall be constructed under the supervision of a QC&A program to ensure that MSWLF units are constructed in accordance with the requirements of 567—101.107(455B) and the approved plans and specifications. At a minimum, such QC&A program shall consist of the following.

a. The owner or operator shall designate a QC&A officer. The QC&A officer shall be an Iowa-licensed professional engineer. 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 aspects of the QC&A program.

b. The QC&A officer shall document compliance with 567—101.107(455B), and the approved plans and specifications, for the following aspects of construction:

(1) The MSWLF unit's subgrade.

(2) The liner system, as follows:

1. For a flexible membrane liner, destructive testing of the flexible membrane liner shall be kept to side slopes when continuous seams are utilized. Patches over destructive testing areas shall be checked with nondestructive methods.

2. For the compacted clay component of the liner system, a minimum of five field moisture density tests per eight-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, 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 567—101.107(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 567—101.107(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 567—101.107(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 567—101.107(455B) and the department-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 567—101.107(455B) and the approved plans and specifications.

101.107(5) *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:

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 101.107(4), 101.107(5) and 101.107(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 101.107(7)*"b,"* if approved by the department.

b. Vertical expansions shall, at a minimum, comply with the following:

(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 101.107(8).

(5) The proposed vertical expansion shall be in compliance with the final slopes required at closure pursuant to 101.112(1)*"e."*

101.107(6) *Run-on and runoff control systems.*

a. Owners or operators of 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 25-year 24-hour storm.

b. Runoff from the active portion of the MSWLF unit must be handled in accordance with 101.110(1)*"a."*

567—101.108(455B) Operating requirements. The requirements of this rule shall be consolidated in a DOPs pursuant to 101.108(4).

101.108(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 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 101.108(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 101.108(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 101.108(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.

(1) Waste that is a chemical compound specifically listed by U.S. Environmental Protection Agency (EPA) as a regulated hazardous waste or that is a characteristic hazardous waste pursuant to the following characteristics:

1. Ignitable in that the waste has a flash point of less than 140°F.

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 567—101.107(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 that 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. 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 101.107(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 RD&D project in which the department has authorized the addition of liquids and meets the applicable requirements of 101.104(2).

(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 102, Division VII, unless there is documentation that the appliance has been demanufactured pursuant to 567—Chapter 102, Division VII.

(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 102, Division VI.

(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 102, Division VI.

(10) Grit and bar screenings, grease skimmings, and sewage sludge unless managed and disposed of pursuant to 567—Chapter 102, Division VI.

(11) Waste tires unless each tire is processed into pieces no longer than 18 inches on any side.

(12) Yard waste, except in the circumstances given in Iowa Code section 455D.9(1).

(13) Lead-acid batteries.

(14) 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.

(15) 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 by the permitted or other authorized entity.

e. Animal feeding and grazing. Feeding animals municipal solid waste 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. Hoofed animals shall not be allowed on closed MSWLF units.

101.108(2) *Disposal operations and activities.* 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 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 staked by an Iowa-licensed professional engineer or land surveyor.

(3) Survey monuments shall be established and maintained by an Iowa-licensed professional land surveyor to provide vertical and horizontal control.

(4) An Iowa-licensed professional engineer or land surveyor shall check vertical elevations and the progression of fill sequencing.

(5) All survey stakes and monuments shall be clearly marked.

(6) An Iowa-licensed professional engineer or land surveyor shall biennially inspect all survey monuments. Any missing or damaged survey monuments shall be replaced by a professional land surveyor.

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 101.107(4)*"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 four feet of waste has been mounded over the top of the leachate collection system.

(3) Construction and demolitions (C&D) debris waste and materials clearly capable of spearing through the leachate collection system and liner shall not be placed in the first four feet of waste over the top of the leachate collection system. The first four 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 does 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 101.107(8) and surface water requirements of 567—101.110(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 101.108(1)*"b."*

e. Special wastes. Special wastes shall be managed and disposed of pursuant to 567—Chapter 102, Division VI.

f. Cover material and alternative cover material. Alternative cover material of an alternative thickness (e.g., tarps, spray covers) may be authorized if the owner or operator demonstrates to 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.

(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 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 one 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 two feet of compacted cover material or alternative cover material shall be placed and maintained over waste that has not or will not receive waste for at least 180 days. 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 that prevents the downward flow of leachate and is at least five 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 post-closure requirements of 567—101.112(455B) and 567—101.113(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.

101.108(3) *Universally approved beneficial use determinations for alternative cover material.* The following alternative cover materials may be beneficially used as daily cover material at MSWLF in the manner and volume specified below. However, MSWLFs shall amend their sanitary landfill permits by notifying the department, and the department field office with jurisdiction over the facility, of their intent to utilize solid by-products pursuant to this rule at least 30 days prior to actual utilization of the by-products as alternative cover material.

a. Asphalt shingles. Asphalt shingles that are certified, consistent with federal regulations (Reference: Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy), as not containing more than 1 percent asbestos and are ground to an average size of three inches or less in any dimension may be mixed with soil in a 50/50 volume.

b. Compost. One hundred percent cured or finished compost, including compost overs, may be used.

c. Diatomaceous earth. Diatomaceous earth may be mixed with soil in a 50/50 volume.

d. Foundry sand. Foundry sand may be mixed with soil in a 50/50 volume.

e. Glass. Glass that has been ground to an average size of one-half inch or less in any dimension may be mixed with soil in a 10 percent glass and 90 percent soil by volume mixture.

f. Gypsum and gypsum wallboard. Gypsum and gypsum wallboard that have been ground to an average size of three inches or less in any dimension may be mixed with soil in a 50/50 volume.

g. Paper mill sludge. Uncontaminated, dewatered paper mill sludge may be mixed with soil in a 50/50 volume.

h. *Sandblasting abrasive.* Sandblasting abrasive and residuals may be mixed with soil in a 50/50 volume.

i. *Tire chips.* Tire chips that are an average size of three inches or less in any dimension may be mixed with soil in a 50/50 volume.

101.108(4) *Beneficial use determination application requirements for alternative cover material.* Unless the alternative cover material beneficial use is approved pursuant to 101.108(3), the applicant shall submit the following application information to the department to amend the MSWLF permit. The department may request that additional information be submitted in order to make a beneficial use determination. The department may also require specific beneficial use determination conditions and issue a temporary beneficial use determination on a trial basis.

If the department finds the application information to be incomplete, then it shall notify the applicant in writing of that fact and of the specific deficiencies and return the application materials to the applicant within 30 days of such notification. The applicant may reapply without prejudice.

a. The name, address, and telephone number of:

(1) Owner of the site where the project will be located.

(2) Applicant for the beneficial use determination.

(3) Official responsible for the operation of the project.

(4) Professional engineer licensed by the state of Iowa and retained for the project, if any. The department may, at its sole discretion, require the applicant to retain a professional engineer for the project or specific parts thereof.

(5) Agency to be served by the project, if any.

(6) Responsible official of agency to be served.

b. A description of the proposed alternative cover material and whether it is to be used as daily, intermediate, or final cover.

c. The chemical and physical characteristics of the alternative cover material.

d. The proposed volume ratio of the alternative cover material(s) to soil or other alternative cover material(s).

e. A demonstration that there is a known or reasonably probable suitability of the alternative cover material as cover material by provision of previous case studies of the alternative cover material being utilized as cover material or information on the ability of the alternative cover material to do the following:

(1) Reduce or maintain current odor levels.

(2) Reduce or deter vectors.

(3) Reduce or maintain the current risk of fire.

(4) Control litter and dust.

(5) Impede the infiltration of liquids and precipitation.

(6) Control landfill gas migration.

(7) Provide a safe and effective working surface.

(8) Provide effective growing media.

(9) Other documentation that the alternative cover material is suitable for cover material.

(10) A demonstration that the proposed use of the alternative cover material will not adversely affect human health or the environment. The demonstration may include but is not limited to a toxicity characteristics leaching procedure (TCLP, EPA Method 1311) analysis of a representative sample of the alternative cover material.

101.108(5) *Beneficial use of alternative cover material and state goal progress.* Alternative cover material placed at no more than the thickness required by MSWLF rules shall be exempt from landfill tonnage measurements used for state goal progress and waste diversion calculations.

101.108(6) *Development and operations plan (DOPs).* An MSWLF unit shall maintain a DOPs. At a minimum, the DOPs shall detail how the facility will operate and how compliance with the requirements of this rule will be maintained. The DOPs shall contain at least the following components:

a. A title page and table of contents.

b. Telephone number and email address 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 101.108(1) and any related permit conditions.

f. Details of how the site will comply with the disposal operation and activity requirements of 101.108(2) and any related permit conditions.

g. Details of how the site will comply with the facility operations and activity requirements of 101.108(3), any related permit conditions, and any leachate and wastewater treatment requirements.

567—101.109(455B) Environmental monitoring and corrective action requirements for air quality and landfill gas. MSWLFs shall comply with the following environmental monitoring and corrective action requirements for air quality and landfill gas.

101.109(1) *Air criteria.* Owners or operators of 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.

101.109(2) *Landfill gas.* 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 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), and

(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

b. Owners or operators of MSWLF units must implement a routine methane-monitoring program to ensure that the standards of 101.109(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 101.109(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 seven 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 101.109(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—101.110(455B) Environmental monitoring and corrective action requirements for groundwater and surface water. MSWLFs shall comply with the following environmental monitoring and corrective action requirements for groundwater and surface water.

101.110(1) *General requirements for environmental monitoring and corrective action for groundwater and surface water.*

a. 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 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 101.110(2), 101.110(4), 101.110(5) and 101.110(6) before waste can be placed in the unit unless the department establishes an alternative schedule for demonstrating compliance with:

(1) Subparagraph 101.110(2)*"c"*(3), pertaining to notification of placement of certification in operating record;

(2) Subparagraph 101.110(5)*"c"*(1), pertaining to notification that statistically significant increase (SSI) notice is in operating record;

(3) Subparagraphs 101.110(5)*"c"*(2) and *"c"*(3), pertaining to an assessment monitoring program;

(4) Paragraph 101.110(6)*"b,"* pertaining to sampling and analyzing 40 CFR Part 258, Appendix II, constituents;

(5) Subparagraph 101.110(6)*"d"*(1), pertaining to placement of notice (40 CFR Part 258, Appendix II, constituents detected) in record and notification of placement of notice in record;

(6) Subparagraph 101.110(6)*"d"*(2), pertaining to sampling for 40 CFR Part 258;

(7) Paragraph 101.110(6)*"g,"* pertaining to notification (and placement of notice in record) of SSI above groundwater protection standard;

(8) Numbered paragraph 101.110(6)*"g"*(1)"4" and paragraph 101.110(7)*"a,"* pertaining to assessment of corrective measures;

(9) Paragraph 101.110(8)*"a,"* pertaining to selection of remedy and notification of placement in record;

(10) Paragraph 101.110(9)*"f,"* pertaining to notification of placement in record (certification of remedy completed).

c. Once established at an MSWLF unit, groundwater monitoring shall be conducted throughout the active life and post-closure care period of that MSWLF unit.

101.110(2) *Groundwater monitoring systems.* MSWLFs shall have a groundwater monitoring system that complies with the following requirements:

a. Objectives. 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 101.107(5)*"a"*(2)"2." A downgradient monitoring system must be installed at the relevant point of compliance specified by the department under 101.107(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 101.107(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 101.110(5). The maximum drainage area routed through each outfall shall not exceed ten 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 101.110(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 101.106(3)*"e"*(6) taken into consideration.

b. Long-term, multiphase operations. For those facilities that 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 101.8(2), 101.8(3), and 101.110(2)*"a"* and *"c"* 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. 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 101.106(3) and the site exploration and characterization report pursuant to 101.106(3), that must include thorough characterization of:

1. Aquifer thickness, groundwater flow rate, and groundwater flow direction including seasonal and temporal fluctuations in groundwater flow;

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 101.106(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 101.8(2), 101.8(3), and 101.110(2)*"a"* and *"c."*

(3) Certified by a qualified groundwater scientist 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.

d. Monitoring well maintenance and performance reevaluation plan. A monitoring well maintenance and performance reevaluation plan shall be included as part of the HMSP. 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 that 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.

101.110(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 provide a representative sample of:

(1) The upstream quality of a surface water of the state if the surface water being monitored is a flowing body of water.

(2) 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. A surface water monitoring point 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.

101.110(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 101.110(2). Analyses for a contaminant regulated under this division must be performed by a laboratory certified for the analyte(s) and applicable method pursuant to 567—Chapter 83. 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 101.110(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 that monitor the same waste management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow that 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 101.110(5)*"a"* or 101.110(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 101.110(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 101.110(4)*"g."* The sampling procedures shall be those specified under 101.110(5)*"b"* for detection monitoring, 101.110(6)*"b"* and 101.110(6)*"d"* for assessment monitoring, and 101.110(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 101.110(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 101.110(4)*"h."*

h. The statistical method required pursuant to 101.110(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 experiment-wise 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 database, 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 prediction 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 database, 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 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 101.110(5)*"a"* or 101.110(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 101.110(2) to the background value of that constituent, according to the statistical procedures and performance standards specified under 101.110(4)*"g"* and *"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.

101.110(5) *Detection monitoring program.*

a. Detection monitoring is required at MSWLF units at all groundwater monitoring wells defined under 101.110(2). At a minimum, a detection monitoring program must include the monitoring for the constituents listed in 40 CFR Part 258, 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.

The department may establish an alternative list of inorganic indicator parameters for an MSWLF unit within 40 CFR Part 258, Appendix I, in lieu of some or all of the heavy metals (constituents 1 through 15 in 40 CFR Part 258, 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.

b. The monitoring frequency for all constituents listed in 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(5)*"a"*(1) shall be at least semiannual (i.e., every six months) during the active life of the facility (including closure) and the post-closure 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 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(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 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(5)*"a"*(1) during the active life (including closure) and the post-closure 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 101.110(4)*"i,"* that there is an SSI over background for one or more of the constituents listed in 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(5)*"a"*(1) at any monitoring well specified under 101.110(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 101.110(6), except as provided in 101.110(5)*"c"*(3).

(3) 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 101.110(5). If, after 90 days, a successful demonstration is not made, the owner or operator must initiate an assessment monitoring program as required in 101.110(6).

101.110(6) *Assessment monitoring program.*

a. Assessment monitoring is required whenever an SSI over background has been confirmed pursuant to 101.110(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 40 CFR Part 258, 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 40 CFR Part 258, 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 40 CFR Part 258, Appendix II, constituents during assessment monitoring. The department may delete any of the 40 CFR Part 258, 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 40 CFR Part 258, Appendix II, constituents required by 101.110(6)*"b"* during the active life (including closure) and post-closure 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 101.110(6)*"b,"* the owner or operator must:

(1) Within 14 days, place a notice in the operating record identifying the 40 CFR Part 258, 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 101.110(2) and conduct analyses for all constituents in 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(5)*"a"*(1), and for those constituents in 40 CFR Part 258, Appendix II, that are detected in response to the requirements of 101.110(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 and the post-closure period for the constituents referred to in this subparagraph. The alternative frequency for constituents in 40 CFR Part 258, Appendix I, or in the alternative list approved in accordance with 101.110(5)*"a"*(1) during the active life shall be no less than annual. The alternative frequency shall be based on consideration of the factors specified in 101.110(6)*"c"*;

(3) Establish background concentrations for any constituents detected pursuant to 101.110(6)*"b"* or 101.110(6)*"d"*(2); and

(4) Establish groundwater protection standards for all constituents detected pursuant to 101.110(6)*"b"* or *"d."* The groundwater protection standards shall be established in accordance with 101.110(6)*"h"* or *"i."*

e. If the concentrations of all 40 CFR Part 258, Appendix II, constituents are shown to be at or below background values, using the statistical procedures in 101.110(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 40 CFR Part 258, Appendix II, constituents are above background values, but all concentrations are below the groundwater protection standard established under 101.110(6)*"h"* or *"i,"* using the statistical procedures in 101.110(4)*"g,"* the owner or operator must continue assessment monitoring in accordance with this subrule.

g. If one or more 40 CFR Part 258, Appendix II, constituents are detected at statistically significant levels above the groundwater protection standard established under 101.110(6)*"h"* or *"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 40 CFR Part 258, 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 requirements in 101.110(6)*"g"*(2) or the following requirements.

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 101.110(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 101.110(6)*"g"*(1); and

4. Initiate an assessment of corrective measures as required by 101.110(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 101.110(6) and may return to detection monitoring if the 40 CFR Part 258, Appendix II, constituents are at or below background as specified in 101.110(6)*"e."* Until a successful demonstration is made, the owner or operator must comply with 101.110(6)*"g,"* including initiating an assessment of corrective measures.

h. The owner or operator must establish a groundwater protection standard for each 40 CFR Part 258, 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 101.110(2); or

(3) For constituents for which the background concentration is higher than the MCL identified under 101.110(6)*"h"*(1) or health-based concentrations identified under 101.110(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 101.110(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.

101.110(7) *Assessment of corrective measures.*

a. Within 90 days of finding that any of the constituents listed in 40 CFR Part 258, Appendix II, have been detected at a statistically significant level exceeding the groundwater protection standards defined under 101.110(6)*"h"* or *"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 101.110(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 101.110(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.

101.110(8) *Selection of remedy.*

a. Based on the results of the corrective measures assessment conducted under 101.110(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 101.110(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 101.110(8)*"b."*

b. Remedies must:

(1) Be protective of human health and the environment;

(2) Attain the groundwater protection standards specified pursuant to 101.110(6)*"h"* or *"i"*;

(3) Control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of 40 CFR Part 258, 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 101.110(9)*"d."*

c. In selecting a remedy that meets the standards of 101.110(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. Necessity of coordination with and obtaining 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 101.110(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 101.110(8)*"d"*(1) through *"d"*(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 101.110(6)*"h"* or *"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 that 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.

101.110(9) *Implementation of the corrective action plan.*

a. Based on the schedule established under 101.110(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 101.110(6);
2. Indicates the effectiveness of the corrective action remedy; and
3. Demonstrates compliance with groundwater protection standards pursuant to 101.110(9)*"e"*;

(2) Implement the corrective action remedy selected under 101.110(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 101.110(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 101.110(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 101.110(9)*"c."* The notification shall explain how the proposed alternative methods or techniques will meet the standards in 101.110(8)*"b,"* or the notification shall indicate that the determination was made pursuant to 101.110(9)*"c."* The notification shall also specify a schedule(s) for implementing and completing the remedial activities to comply with 101.110(8)*"b"* or the alternative measures to comply with 101.110(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 101.110(8)*"b"* or implement alternative measures meeting the requirements of 101.110(9)*"c"*(2) and *"c"*(3).

c. If the owner or operator determines that compliance with requirements under 101.110(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 101.110(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.

(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 101.110(8), or an interim measure required under 101.110(9)*"a"*(3), shall be managed in a manner that:

(1) Is protective of human health and the environment; and

(2) Complies with applicable RCRA, state, and local requirements.

e. Remedies selected pursuant to 101.110(8) shall be considered complete when:

(1) The owner or operator complies with the groundwater protection standards established under 101.110(6)*"h"* or *"i"* at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under 101.110(2).

(2) Compliance with the groundwater protection standards established under 101.110(6)*"h"* or *"i"* has been achieved by demonstrating that concentrations of 40 CFR Part 258, 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 101.110(4)*"g"* and *"h."* The department may specify an alternative length of time during which the owner or operator must demonstrate that concentrations of 40 CFR Part 258, 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 101.110(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 101.110(9)*"e,"* the owner or operator shall be released from the requirements for financial assurance for corrective action pursuant to 101.114(5).

101.110(10) *Annual water quality reports (AWQR).* 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 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—101.111(455B,455D) Recordkeeping and reporting requirements. The purpose of the recordkeeping and reporting activities is to verify compliance with this division and to document the

construction and operations of the facility. The department can set alternative schedules for recordkeeping and notification requirements as specified in 101.111(1) and 101.111(2), except for the notification requirements in 101.106(2)*"a"* and 101.110(6)*"g"*(1)"3." MSWLFs shall comply with the following recordkeeping and reporting requirements.

101.111(1) *Recordkeeping.* 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 567—101.105(455B);

b. Site exploration and characterization reports pursuant to 101.106(3);

c. Design and construction plans and specifications, and related analyses and documents, pursuant to 567—101.107(455B). The QC&A final reports, and related analyses and documents, pursuant to 101.107(4)*"d"*;

d. Inspection records, training procedures, and notification procedures required in 567—101.108(455B);

e. Any MSWLF unit design documentation for placement of leachate or gas condensate in an MSWLF unit as required under 101.108(1)*"b"*(3)"2" and "3";

f. Gas monitoring results from monitoring and any remediation plans required by 567—101.109(455B);

g. Any demonstration, certification, finding, monitoring, testing, or analytical data required by 567—101.110(455B);

h. Closure and post-closure care plans and any monitoring, testing, or analytical data as required by 567—101.112(455B) and 567—101.113(455B); and

i. Any cost estimates and financial assurance documentation required by this chapter.

101.111(2) *Reporting.* The owner or operator must notify the department when the documents required in 101.111(1) have been placed in the operating record. All information contained in the operating record must be furnished upon request to the department for inspection.

567—101.112(455B) Closure criteria. MSWLFs shall comply with the following closure requirements.

101.112(1) Owners or operators of 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.

101.112(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 101.112(1)*"a"* and *"b"*; and

b. An erosion layer that provides protection from wind and water erosion equivalent to the erosion layer specified in 101.112(1)*"c"* and *"d."*

101.112(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 101.112(1) or 101.112(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 101.112(1) or 101.112(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 101.112(1) or 101.112(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 567—101.112(455B).

101.112(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.

101.112(5) At least 180 days prior to beginning closure of each MSWLF unit as specified in 101.112(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.

101.112(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.

101.112(7) The owner or operator 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 101.112(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.

101.112(8) Following closure of each MSWLF unit, the owner or operator must submit to the department certification, signed by an independent professional engineer 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.

101.112(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 101.113(3)*"c."*

101.112(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—101.113(455B) Post-closure care requirements. MSWLFs shall comply with the following post-closure care requirements.

101.113(1) Following closure of each MSWLF unit, the owner or operator must conduct post-closure care. Post-closure care must be conducted for 30 years, except as provided under 101.113(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 101.107(5)*"b"* and 101.105(9), 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 567—101.110(455B) and maintaining the groundwater monitoring system; and

d. Maintaining and operating the gas monitoring system in accordance with the requirements of 567—101.109(455B).

101.113(2) The length of the post-closure 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 if the department determines that the lengthened period is necessary to protect human health and the environment.

101.113(3) The owner or operator of all MSWLF units must prepare a written post-closure plan that includes, at a minimum, the following information:

a. A description of the monitoring and maintenance activities required in 101.113(1) for each MSWLF unit and the frequency at which these activities will be performed;

b. Name, address, email, and telephone number of the person or office to contact about the facility during the post-closure period; and

c. A description of the planned uses of the property during the post-closure period. Post-closure 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 division. 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.

101.113(4) The owner or operator must notify the department that a post-closure plan has been prepared and placed in the operating record by the date of initial receipt of waste.

101.113(5) Following completion of the post-closure care period for each MSWLF unit, the owner or operator must submit to the department a certification, signed by an independent Iowa-licensed professional engineer, verifying that post-closure care has been completed in accordance with the post-closure plan. Upon department approval, the certification shall be placed in the operating record.

567—101.114(455B) Financial assurance requirements. The owner or operator of an MSWLF must establish financial assurance for closure, post-closure care and corrective action, if applicable, in accordance with Division VIII of this chapter.

567—101.115(455B) Waiver limitations. Some provisions of this division are minimum standards required by federal law (including but not limited to 40 CFR 258), and waivers to such provisions shall not be granted unless they are as protective as the applicable minimum federal standards.

These rules are intended to implement Iowa Code section 455B.304.

567—101.116 to **101.199** Reserved.

DIVISION III
INDUSTRIAL LANDFILLS

567—101.200(455B) Purpose. The purpose of this division is to implement Iowa Code chapter 455B, subchapter IV (solid waste disposal), for the siting, designing, and operating of a sanitary landfill accepting only industrial solid waste or a sanitary landfill accepting only C&D.

567—101.201(455B) Applicability.

101.201(1) This division shall apply to sanitary landfills that are constructed and operated exclusively for the final deposition of industrial solid waste or C&D, known for purposes of this chapter as industrial landfills.

101.201(2) Pursuant to Iowa Code section 455B.305(1), an industrial landfill shall not be constructed or operated without first obtaining a permit from the department pursuant to this division, the requirements set forth in 567—Chapter 100, and Division I of this chapter.

101.201(3) The issuance of a permit to an industrial landfill pursuant to this chapter in no way relieves the applicant of the responsibility of complying with all other local; state; or federal statutes, ordinances, and rules or other requirements applicable to the construction and operation of an industrial landfill.

101.201(4) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.202(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—101.203(455B) Permits. For purposes of this division, the permit requirements in 567—Chapter 100 shall apply.

567—101.204(455B) Permit applications. Unless otherwise authorized by the department, a permit applicant shall submit on a form prescribed by the department the requirements in 567—Chapter 100 and Division I of this chapter, as well as the following information.

101.204(1) A detailed description of the disposal process to be used. The department may request additional details to ensure compliance with all operation requirements.

101.204(2) A table listing the equipment to be used, its design capacities, and expected loads.

101.204(3) A closure/post-closure plan that:

a. Details how and when the facility will be closed in accordance with applicable requirements of this division.

b. Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities necessary to comply with this division.

c. States the name, address, and telephone number of the person or office to serve as a contact with regard to the facility during the post-closure period.

101.204(4) Such other information as may be required by the director.

567—101.205(455B) Soil and hydrogeologic investigations. An industrial landfill shall have a qualified groundwater scientist conduct a soil investigation, hydrogeologic investigation, and evaluation of hydrogeologic conditions. The purpose of these investigations is to obtain data to determine potential routes of contaminant migration via groundwater. Such information is vital for development of the hydrologic monitoring system plan and design. This division sets forth the

minimum requirements for this work, including reporting. An industrial landfill shall comply with this division unless the department issues written approval due to specific site conditions.

567—101.206(455B) Soil investigation.

101.206(1) *Soil borings.*

a. Number of borings. A sufficient number of soil borings shall be made to accurately identify the hydrogeologic variations of the landfill site. For new landfill sites, the minimum number of borings required is 10 for landfill sites of less than 10 acres, 20 for landfill sites of 10 to 50 acres, and 20 plus an additional boring for every 10 acres above 50 acres for landfill sites larger than 50 acres. Fewer borings may be needed for existing landfill sites, depending on previous work done at the landfill site. Also, no borings will be required in existing fill areas. The department may require additional borings based on the geological complexity of the landfill site.

b. Depth of borings. All borings must extend a minimum of 25 feet deep and at least 10 feet deep below the water table; however, borings in proposed fill areas shall be terminated 10 feet above the uppermost aquifer or be grouted to provide such separation. At least half the borings located outside the existing or proposed fill area shall extend either 10 feet into the uppermost aquifer, 50 feet below the water table, or 10 feet into bedrock. At least one boring shall extend 10 feet into bedrock or 100 feet below the lowest ground surface elevation.

c. Boring method. Borings shall comply with the applicable portions of this chapter. The preferred boring method is hollow stem auger, although it may be necessary to use other methods at greater depths and in bedrock. When wet drilling methods are used for boring in which monitoring wells or piezometers are installed, the drilling fluid and methods and development procedures shall be approved by and documented with the department.

d. Assurance that soil boring samples have been taken at the landfill site. The soil boring samples must be kept by the permit applicant until the permit is issued and must be made available to the department if the department requests them.

101.206(2) *Soil samples.* Samples shall be collected at five-foot intervals and at every change in stratum. These samples shall be obtained using a split spoon sampler and the procedures of the standard penetration test. A minimum of one undisturbed Shelby tube sample shall be obtained in the uppermost cohesive stratum at or below the lowest depth at which solid waste will be disposed of. Samples shall be clearly marked, preserved, and maintained for future inspection. Samples selected for laboratory analysis shall be properly preserved.

101.206(3) *Laboratory test of discrete soil samples.* Laboratory tests of discrete soil samples shall be conducted to correlate strata between soil borings, obtain permeability data on each stratum, and design monitoring wells.

a. Hydraulic conductivity tests. Tests using a constant-head or falling-head permeameter shall be run on a minimum of one sample from each Shelby tube sample. Each sample shall be from a different soil boring representing a different area of the landfill site.

b. Grain size distribution. Grain size distribution tests shall be conducted on a minimum of one sample from each distinct stratum.

567—101.207(455B) Hydrogeologic investigation.

101.207(1) *Groundwater level measurements.* The elevation of the water table shall be determined at or near the location of each soil boring that penetrates the water table. The water table may be determined using a completed water table monitoring well, or piezometer. The bottom of a piezometer used to measure water table elevation shall be no more than five feet below the water table. The apparent horizontal groundwater flow direction shall be determined based on water table measurements. Vertical groundwater flow shall then be assessed in at least two profiles approximately parallel to the apparent horizontal flow direction. Vertical groundwater flow shall be assessed using at least two well clusters per profile. Each well cluster shall contain a water table monitoring well or piezometer and additional water level monitoring points based on landfill site conditions as follows.

a. If the water table is in the uppermost aquifer, one additional water level monitoring point shall be located near the base of the aquifer or at least 20 feet below the base of the water table monitoring point. This additional monitoring point may not be required if the aquifer is less than 20 feet thick.

b. If the uppermost aquifer is less than 50 feet below the water table, an additional water level monitoring point shall be located at the top of the aquifer.

c. If the uppermost aquifer is more than 50 feet below the water table, additional water level monitoring points shall be placed at depths of 30 feet and 50 feet below the water table.

d. If required, the one deeper soil boring into bedrock shall be used as a landfill site for one well cluster. Water table monitoring points in this cluster shall correspond to the other well cluster used for a profile. In addition, water level monitoring points shall be placed at the bottom of the boring and, if possible, at the top and bottom of the uppermost aquifer. Groundwater level measurements shall be made after the water levels have stabilized in the monitoring point and at least 24 hours after completion and bailing of the monitoring well or installation of the piezometer. The water level in existing wells shall be observed and recorded prior to bailing. Each set of water level measurements shall be made in as short a time frame as possible not to exceed eight hours.

101.207(2) *In situ permeability tests.* In situ permeability tests shall be conducted on each monitoring well and piezometer in each well cluster.

a. Pumping test.

(1) If more than one monitoring point is located in the uppermost aquifer, a pumping test shall be conducted at one or more upper aquifer monitoring points. A pumping test involves pumping at a constant rate from one well while observing water levels in other wells. The pumping rate shall be as high as possible without dewatering the well. Water level measurements in other uppermost aquifer wells shall be measured at frequent intervals near the start of the test and then at progressively longer intervals. Continuous water level recording is preferable.

(2) Water levels in wells not located in the uppermost aquifer shall be recorded throughout the test at regular intervals. Water levels in all wells shall be measured 24 hours prior to the test and just before the test. The test duration shall be at least four hours and continue until a stabilized drawdown condition is observed. Longer tests may be necessary if other uppermost aquifer monitoring points are slow to respond. Water level readings shall be recorded through the recovery phase of the water table.

b. Bail and slug tests. Monitoring wells and piezometers located in materials with low hydraulic conductivities shall be tested using a bail or slug test. These tests involve rapidly removing or adding a known volume of water to a well and then recording water levels in the well as the well recovers to its original level. Typically, the necessary frequency of measurements will be similar to that required of a pumping test. In materials of very low hydraulic conductivities, less frequent measurements are necessary. In materials of higher hydraulic conductivities, more frequent measurements may be necessary.

101.207(3) *Existing well research.* A reasonable effort to inventory all active, unused, and abandoned water wells within one mile of the facility and the identification of all water wells within three miles of the permitted waste boundary shall be conducted. Well logs, other available information on well construction, static water levels, and usage shall be obtained. The well inventory shall be based on thorough reviews of state and local collections of well logs and, when possible, interviews or surveys of well owners. Also to be included are maps showing the location of soil borings, other field tests and measurements, and existing wells.

567—101.208(455B) Evaluation of hydrogeologic conditions.

101.208(1) Based on soil boring and other available information, a description of the landfill site geology shall be made. This description shall include preparation of geologic cross sections of sufficient number and spacing (no fewer than four at every landfill site) to adequately define all areas of the landfill site and of sufficient detail to adequately depict major stratigraphic and structural trends

and reflect geologic structural features in relation to groundwater flow. Each pair of cross sections must be as near to perpendicular as possible to adequately portray the landfill site geology.

101.208(2) A description of the hydrogeologic unit(s) within the saturated zone shall be made, including thickness; depth; hydraulic properties, such as transmissivity and storage coefficient or specific yield; description of the role of each as confining bed, aquifer, or perched saturated zone; and its actual or potential use as a water supply aquifer.

101.208(3) All groundwater flow paths from the landfill site shall be identified, including both horizontal and vertical components of flow. A contour map of the water table shall be presented showing horizontal flow paths. A potentiometric surface map of the uppermost aquifer showing horizontal flow paths shall also be presented, if different from the water table. Vertical flow paths shall be shown in at least two profiles approximately parallel to the direction of horizontal flow. Vertical flow paths shall be determined by water level measurements from clustered wells at different depths if possible. An evaluation of vertical groundwater flow based on the hydrologic properties of the various strata encountered at the landfill site, estimated groundwater flow and recharge rates, and known information on hydraulic head shall also be made.

101.208(4) The seasonal, temporal, and artificially induced variations in groundwater flow shall be evaluated. Temporal variations occur due to natural events, such as rainfall. The addition of tile lines, removal of overburden, or deposition of wastes would constitute artificially induced variations.

101.208(5) Surface water flow paths from the landfill site shall be identified on topographic contour maps.

567—101.209(455B) Monitoring system plan. A hydrologic monitoring system shall be designed to intercept the groundwater and surface water flow paths from the landfill site, including proposed locations and depths for monitoring wells in accordance with monitoring well siting criteria in 567—101.212(455B). The surface water monitoring plan shall include monitoring points on all standing and flowing bodies of water that will receive surface runoff or groundwater discharge from the landfill site. For streams, sampling points upstream and downstream of areas of potential impact from the landfill site shall be selected. The monitoring system plan shall also include sampling protocols and monitoring well maintenance and performance reevaluation procedures.

567—101.210(455B) Sampling protocol. At a minimum, the sampling protocol must include the following.

101.210(1) Order in which monitoring points are to be sampled, all tests and procedures needed at each monitoring point and the order in which these procedures will be carried out, equipment and containers to be used, procedures and precautions for their use, precautions to avoid introducing contaminants from outside sources into monitoring wells or samples, and how equipment must be cleaned between uses;

101.210(2) Procedures for evacuating, if applicable, each monitoring well prior to each water quality sampling;

101.210(3) Procedures for handling field blanks and other quality assurance samples at the facility and in transit to and from the laboratory;

101.210(4) Procedures for sample preservation;

101.210(5) Procedures for sample collection, labeling and handling at the facility and during transport to the laboratory;

101.210(6) Procedures for recording field observations and measurements;

101.210(7) Procedures for records maintenance and data analysis; and

101.210(8) Procedures for sampling surface water monitoring points, including exact sampling locations and depths.

567—101.211(455B) Monitoring well maintenance and performance reevaluation plan.

101.211(1) 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.

101.211(2) The plan shall provide for the following.

a. 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.

b. 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.

c. Annual measurement of well depths to ensure that wells are physically intact and not filling with sediment.

d. An in situ permeability test to be conducted every five years on monitoring wells to compare test data with those collected originally to determine if well deterioration is occurring or other methods approved by the department.

567—101.212(455B) Monitoring well siting requirements.

101.212(1) *Downgradient monitoring wells.* Downgradient monitoring wells must be located to provide a high level of certainty that releases of contaminants from the landfill site can be promptly detected. Downgradient monitoring wells shall be placed along the landfill site perimeter, within 50 feet of the planned liner or waste boundary unless landfill site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored. For those facilities that 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.

101.212(2) *Water table wells.* At least three downgradient water table monitoring wells shall be installed at each facility. The maximum spacing between wells shall be 600 feet.

101.212(3) *Uppermost aquifer monitoring wells.* If different from water table monitoring wells, at least three uppermost aquifer monitoring wells shall be installed at each facility. Uppermost aquifer monitoring wells shall be spaced no more than 600 feet apart. If the uppermost aquifer is located more than 50 feet below the water table, the requirement for three wells may be relaxed, although at least one downgradient uppermost aquifer monitoring well will be required.

101.212(4) *Other downgradient monitoring wells.* Additional downgradient monitoring wells will be required if the water table and uppermost aquifer monitoring wells do not intercept most vertical flow paths from the landfill site. In such situations, monitoring wells shall be placed at the appropriate depths to intercept the remaining flow paths and shall be spaced at no more than 600 feet apart.

101.212(5) *Upgradient monitoring wells.* Upgradient monitoring wells shall not be affected by the landfill site. At least one upgradient monitoring well shall be installed into each stratum being monitored by downgradient monitoring wells. If it is not possible to actually locate a monitoring well upgradient of the landfill site, the well shall be placed as near the landfill site as feasible without being affected by the landfill site.

567—101.213(455B) General requirements.

101.213(1) *Plan requirements.* The plans for industrial landfills shall include the following.

a. The map and aerial photograph of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details including topography and drainage patterns. All wells shall be identified on the map or aerial photograph, and a benchmark shall be indicated.

b. A plot drawing in appropriate scale of the landfill site and the immediately adjacent area showing dimensions, topography with appropriate contour intervals, drainage patterns, known existing drainage tiles, locations where any geologic samples were taken, all water wells with their uses, and present and planned pertinent features including but not limited to roads, fencing, and borrow areas.

c. Detailed engineering drawing of the landfill site showing all initial and permanent roads, buildings, and equipment to be installed; unloading and holding areas; fences and gates; landscaping and screening devices; personnel and maintenance facilities; and sewer and water lines.

d. CCR landfills shall have a soil liner consisting of at least four feet of recompacted soil. The description, source and volume of the material to be used for the landfill liner, including the method of installation, must be provided. The hydraulic conductivity must be $1 \times 10E^{-7}$ cm/sec (0.00028 ft/day) or less as determined by appropriate laboratory analysis. The percent of standard or modified proctor density at moisture contents consistent with expected field conditions and corresponding to a measured hydraulic conductivity equal to or less than $1 \times 10E^{-7}$ cm/sec shall be determined in the laboratory. The soil shall be placed in lifts not to exceed eight inches in thickness. A minimum of one field moisture and density test shall be performed per lift per acre to verify that the moisture and density determined by the laboratory analysis as correlated to permeability has been achieved. Results of field moisture and density tests shall be submitted to the department prior to the placement of solid waste.

e. Alternative liner systems. An alternative liner system may be approved by the director if the design of the liner system is equivalent to the soil liner required in 101.213(1)*"d"* in performance, longevity, and protection of the groundwater, or, based on the specific type of waste to be disposed of, the design of the liner system offers equivalent protection of the groundwater. Undisturbed soil shall not be used as a liner.

f. Diversion and drainage structures designed to prevent ponding, infiltration, inundation, erosion, slope failure, and washout from surface runoff due to a 25-year 24-hour rainfall event.

g. A leachate collection, storage and treatment and disposal system designed to protect the soils, surface water, and groundwater from leachate contamination. This system shall also be designed to operate during the active life of the landfill site and during the post-closure period.

(1) The design and construction of the system must be in accordance with 101.213(10) and be coordinated with the planned phase development of the landfill site and the timing of leachate generation.

(2) The potential for leachate generation shall be evaluated in determining the design for the facility.

(3) The plan must include proposed quality assurance and quality control testing to be performed during installation and operation of the system. This plan shall include procedures that will be followed during installation of the leachate collection system and during normal landfill operations to ensure the system's integrity and design standards.

h. A drawing of the scheme of development shown progressively with time. The methods to be used to ensure compliance with the scheme and to provide vertical and horizontal controls shall be described.

i. Cross-sectional drawings showing progressively with time the original and proposed elevation of excavating, trenching, and fill.

j. An ultimate land use proposal, including intermediate stages, with time schedules indicating the total and complete land use. Final elevations, grades, permanent drainage structures, monitoring or treatment facilities, and permanent improvements of the completed landfill shall be included. Any supporting drawings to the ultimate land use proposal shall be in appropriate scale.

k. Information describing:

(1) Source, volume, and characteristics of cover material;

(2) Area of landfill site in acres.

l. A report consisting of information verifying that the portion of the landfill site to be filled is:

(1) Situated to obviate any predictable lateral movement of significant quantities of leachate from the landfill site to standing or flowing surface water or to shallow aquifers that are in actual use or are deemed to be of potential use as a water resource.

(2) At least 50 feet from the adjacent property line unless there is a written agreement with the owner of the abutting property. The report shall verify that the portion to be filled is at least 50 feet from the adjacent property line. The written agreement shall be filed with the county recorder and shall become a permanent record of the property.

(3) Beyond 500 feet from any existing habitable residence unless there is written agreement with the owner of the residence and the landfill site is screened by natural objects, plantings, or fences or by other appropriate means. The residence must be in existence on the date of application for the original permit from the department. The written agreement shall be filed with the county recorder and recorded for abstract of title purposes and a copy submitted to the department.

m. Such additional data and information as may be deemed necessary by the director to evaluate a proposed industrial landfill.

n. When a new landfill or lateral expansion is located within 200 feet of a fault that has had displacement in Holocene time, the plan must contain a notice that the facility's official files will include demonstration that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill site and will be protective of human health and the environment.

o. When a new landfill or a lateral expansion is located in seismic impact zones, the plan must contain a notice that the facility's official files will include the following demonstration: that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in the lithified earth material for the landfill site.

p. When a new landfill or lateral expansion is located in an unstable area, the plan must contain a notice that the facility's official files will include the following demonstration: that engineering measures have been incorporated into the landfill site design to ensure that the integrity of the structural components of the landfill site will not be disrupted. The demonstration must consider the on-site or local soil conditions that may result in significant differential settling, on-site or local geologic or geomorphologic features, and on-site or local human-made features or events (both surface and subsurface). For existing facilities located in an unstable area, the owner or operator must prepare the above demonstration required in this paragraph and notify the director that it has been placed in the facility's official files.

101.213(2) *Operating requirements.* The plan submitted shall detail how the industrial landfill will comply with these requirements.

a. Solid waste shall be unloaded at the working face only when an operator is on duty at that area. Solid waste may be deposited in storage containers inside the facility under the supervision of an attendant or operator.

b. A copy of the permit, engineering plans, and reports shall be kept at the facility at all times.

c. Each landfill site shall be graded and provided with drainage facilities to minimize flow of surface water onto and into the portion of the landfill site being filled and to prevent soil erosion and ponding of water.

d. The finished surface of the landfill site shall be repaired as required, covered with soil, and seeded with native grasses or other suitable vegetation immediately upon completion or promptly in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

e. Each industrial landfill shall be staked as necessary and inspected annually, or as otherwise specified in the permit, by an Iowa-licensed professional engineer. A brief report by the engineer indicating areas of conformance or nonconformance with the approved plans and specifications shall be submitted to the department by the permit holder within 30 days of the inspections. In specifying alternate inspection frequencies or schedules, the department shall consider the types and quantities of waste disposed of, the rate of development of the landfill site, the degree of control over landfill site

development inherent in the design and topography of the landfill site, and the quality of prior operation.

f. If any pockets, seams or layers of sand or other highly permeable material are encountered at the industrial landfill, the permit holder shall promptly notify the department and shall ensure that a professional engineer registered in Iowa has certified that all sands encountered were totally excavated or sealed off properly or otherwise handled as explicitly provided for in the permit before solid waste is disposed of in that area of the landfill site.

g. The total volume of leachate collected for each month shall be recorded, and the elevation and thickness of leachate in the landfill shall be provided to the department in accordance with the schedule specified in the permit.

101.213(3) *Hydrologic monitoring system.* The owner or operator of a solid waste disposal facility shall operate and maintain a hydrologic monitoring system that includes a sufficient number of groundwater monitoring wells and surface water monitoring points to determine the impact, if any, that the sanitary disposal project is having on the groundwater and surface water.

The hydrologic monitoring systems shall enable early detection of the escape of pollutants from an industrial landfill. The hydrologic monitoring system shall be planned, designed, and constructed in accordance with the provisions of 101.213(3) through 101.213(9), and implemented in accordance with the following schedule.

a. A hydrologic monitoring system plan shall be submitted to the department for review and approval with any application for a new permit. Installation of the approved system shall be completed prior to the deposition of solid waste into the landfill.

b. A hydrologic monitoring system plan shall be submitted with applications for permit renewal.

c. Upon notice by the department, a hydrologic monitoring system plan may be required to be submitted within six months of such notification.

d. Completion of installation and operation of the approved plan shall be completed within one year of the date of department approval.

101.213(4) *Hydrologic monitoring system operating requirements.*

a. Operational sampling requirements. All sampling shall be conducted in accordance with an approved sampling protocol, components of which are described in 567—101.210(455B).

b. Groundwater levels. The elevation of water in each monitoring well shall be measured during sampling events and recorded to the nearest 0.01 foot. Level measurements must be made before a well is evacuated for sample collection.

c. Surface water levels. The water level or flow rate of each surface water body sampled shall be measured and recorded at the time of sample collection.

d. First-year water sampling. During the first year of operation of the hydrologic monitoring system, a sample shall be collected quarterly from each groundwater monitoring well and surface water monitoring point. The purpose of this sample is to determine baseline water quality information and enable initial estimation of water quality variability. Each sample shall be analyzed for the following parameters in addition to the parameters listed in 101.213(4)*"e"* and any additional parameter deemed necessary by the department.

(1) Arsenic.
(2) Barium.
(3) Cadmium.
(4) Chromium, total.
(5) Lead.
(6) Mercury.
(7) Magnesium.
(8) Zinc.
(9) Copper.
(10) Benzene.
(11) Carbon tetrachloride.

(12) 1,2-Dichloroethane.
(13) Trichloroethylene.
(14) 1,1,1-Trichloroethane.
(15) 1,1-Dichloroethylene.
(16) Paradichlorobenzene.

e. Routine semiannual water sampling. After the first year, each monitoring point must be sampled semiannually as specified in the facility's operation permit and analyzed for the following parameters.

(1) Chloride.
(2) Specific conductance (field measurement).
(3) pH (field measurement).
(4) Ammonia nitrogen.
(5) Iron, dissolved.
(6) Chemical oxygen demand.
(7) Temperature (field measurement).
(8) Any additional parameters deemed necessary by the department.

f. Routine annual water sampling. One sample per year from each monitoring point collected in a quarter specified in the facility's operation permit must be analyzed for the following parameters.

(1) Total organic halogen.
(2) Phenols.
(3) Any additional parameters deemed necessary by the department.

101.213(5) *Laboratory procedures.* Analyses for a contaminant regulated under this division must be performed by a laboratory certified for the analyte(s) and applicable method pursuant to 567—Chapter 83.

a. All analyses of parameters not covered in the Safe Drinking Water Act (SDWA) must be performed according to methods specified in SW-846 or approved by the United States Environmental Protection Agency. Any analytical method used on non-SDWA parameters deviating from those specified in SW-846 or approved by EPA must be approved by the department.

b. All analyses must be recorded on forms that, in addition to the analytical results, show the precision of the data set, bias, and limit of detection.

101.213(6) *Analysis of sampling data.* For each parameter analyzed during the first year of operation of the hydrologic monitoring system, as listed in 101.213(4)*"d,"* the mean and standard deviation for each upgradient monitoring well shall be determined using the first year of data. For routine semiannual monitoring parameters, as listed in 101.213(4)*"e,"* mean and standard deviation shall be recalculated annually using all available analytical data. If the analytical results for a downgradient monitoring point do not fall within the control limits of two standard deviations above the mean parameter(s) level in a corresponding upgradient monitoring point, the owner or operator shall submit this information to the department within 30 days of receipt of the analytical results. If the analytical results from an upgradient monitoring point do not fall within two standard deviations of the mean parameter(s) level for that monitoring point, the department shall also be notified within 30 days.

101.213(7) *Additional sampling.* The department will determine if additional sampling is warranted after receipt of information indicating a possible release as required in 101.213(6). The department may require any additional samples to be split and analyzed to determine whether the values obtained outside the control limits were the result of laboratory or sampling error. Any additional analytical results shall be submitted to the department by the owner or operator within seven days of receipt. The department will review the information and determine if additional monitoring or preparation of a groundwater quality assessment plan, in accordance with 101.213(9), is necessary.

101.213(8) *Recordkeeping and recording.*

a. The persons conducting the sampling must record the procedures, measurements, and observations at the time of sampling. The field records must be sufficient to document whether the procedures and requirements specified in the sampling protocol have been followed. The records must also contain the names of the persons conducting the sampling, the time and date each monitoring point was sampled, and the required field measurement or test result. The owner or operator must submit copies of these field records to the department upon request.

b. The owner or operator shall keep records of analyses and the associated groundwater surface elevations for the active life and post-closure period of the facility. These records shall be kept at the landfill site or in the administrative files of the owner or operator and shall be available for review by the department.

c. The owner or operator shall provide the department with copies of the quarterly monitoring analytical results by the dates specified in the facility's operation permit.

d. An annual report summarizing the effect of the facility on groundwater and surface water quality shall be submitted to the department by November 30 each year. The summary is to be prepared by qualified groundwater scientist and incorporated in the November annual engineer inspection report. The contents of this summary are to include the following items.

(1) A narrative describing the effects of the facility on surrounding surface water and groundwater quality and any changes made or maintenance needed in the monitoring network.

(2) Graphs showing concentrations versus time for all monitoring parameters for each well for as long as records exist for that parameter. Control limits (two standard deviations from the initial background value) must be shown in each graph.

(3) Results of activities and tests required by the well maintenance and performance reevaluation plan described in 567—101.211(455B).

101.213(9) *Groundwater quality assessment plan.*

a. If leachate migration occurs, the owner or operator shall develop and submit for approval a specific plan to conduct a groundwater quality assessment study at the facility to determine the rate of migration and the extent and constituent composition of the leachate release. At a minimum, the assessment monitoring plan must contain the following elements.

(1) Discussion of the hydrogeologic conditions at the landfill site with an identification of potential contaminant pathways.

(2) Description of the present detection monitoring system.

(3) A description of the approach the owner or operator will take to substantiate any contention that the contamination may have been falsely indicated.

(4) Description of the investigatory approach used to characterize the rate and extent of leachate migration.

(5) Discussion of the number, location, and depth of wells that will be initially installed, as well as a strategy for installing more wells in subsequent investigatory phases.

(6) Information on well design and construction.

(7) Description of the sampling and analytical program used to obtain and analyze groundwater monitoring data.

(8) Description of data collection and analysis procedures.

(9) Schedule for the implementation of each phase of the assessment study.

b. After the plan has been approved by the department, the owner or operator shall implement the plan according to the schedule in the plan.

c. Within 90 days after the activities prescribed in the groundwater assessment plan have been completed, the owner or operator shall submit a written groundwater quality assessment report to the department.

d. If the department determines that no waste or waste constituents from the facility have entered the groundwater, the owner or operator shall reinstate the routine monitoring program.

e. If the department determines that waste or waste constituents have been released from the facility and have entered the groundwater, the owner or operator shall continue to make the

determinations described by the assessment plan and develop a remedial action/mitigation plan to alleviate or reduce contamination to the fullest extent possible.

101.213(10) *Leachate control system and liner design.* New industrial landfills or expansions of existing industrial landfills must have a leachate collection, storage, and treatment and discharge system in place prior to accepting waste. This system shall be operated in conformance with the approved design during the active life of the landfill site and during the post-closure period.

a. Leachate collection system.

(1) The leachate collection system shall be designed to allow not more than one foot of head above the top of the landfill liner. The collection system must include a method for measuring the leachate head in the landfill at the lowest area(s) of the collection system.

(2) The landfill liner must be graded toward the leachate collection pipe at a minimum slope of two percent and not to exceed 10 percent. The side slopes of the landfill liner must be less than 25 percent.

(3) A drainage layer must be placed immediately above the landfill liner. This drainage layer shall consist of a minimum of 1 foot of soil with a coefficient of permeability of 1 x $10E^{-3}$ cm/sec (2.8 ft/day) or greater.

(4) Leachate collection pipe shall be surrounded by a gravel protection and drainage layer.

(5) The collection pipe must be perforated of a sufficient internal diameter to handle the expected flow but not less than four inches in diameter; capable of being cleaned throughout the active life of the landfill site and during the post-closure period; chemically resistant to the wastes and the expected leachate; and of sufficient strength to support maximum static and dynamic loads imposed by the overlying wastes, cover materials, and equipment used during the construction and operation of the landfill site. Documentation shall be submitted that includes methods and specifications for cleaning of the pipes, chemical compatibility of the pipes, and calculations and specifications for pipe strength.

(6) The leachate collection system shall be equipped with valves to enable the flow of leachate from the facility to be shut off during periods of maintenance.

(7) The leachate collection system shall be cleaned out once every three years or more frequently if conditions warrant. A report of the methods and results of the cleanout shall be submitted at the time of permit renewal.

b. Leachate storage system. The leachate storage system must be:

(1) Capable of storing at least seven days' accumulation of leachate;

(2) Constructed of materials that are compatible with the expected leachate; and

(3) Accessible at all times of the year and under all weather conditions.

c. Leachate recirculation. The primary goal of the leachate recirculation system is to help stabilize the waste. The leachate recirculation system shall not contaminate waters of the state, contribute to erosion, damage cover material, harm vegetation, or spray persons. Leachate recirculation shall be limited to areas satisfying the requirements of 101.213(10). The department shall approve areas for leachate recirculation.

d. Construction certification report. Prior to inspection and startup, a construction certification report must be submitted discussing quality assurance and quality control testing done to ensure that all materials and equipment for the leachate control system have been placed in accordance with the approved engineering plans, reports, and specifications. The results of all testing must be included, along with documentation of any failed tests, a description of the procedures used to correct the failures, and results of any retesting performed.

101.213(11) *Closure requirements.* The owner or operator of the industrial landfill must close the landfill site in a manner that minimizes the potential for post-closure release of pollutants to the air, groundwater, and surface waters.

a. A minimum of two permanent surveying monuments must be installed by a registered land surveyor from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure period.

b. Contents of final cover.

(1) The final cover of an industrial landfill shall consist of:

1. Not less than two feet of compacted soil. The hydraulic conductivity must be $1 \times 10E^{-7}$ cm/sec or less as determined by appropriate laboratory analysis. The percent of standard or modified proctor density at moisture content consistent with expected field conditions and corresponding to a measured hydraulic conductivity equal to or less than $1 \times 10E^{-7}$ cm/sec shall be determined in the laboratory. The soil shall be placed in lifts not to exceed eight inches in thickness. A minimum of one field moisture and density test shall be performed per lift per acre to verify that the density determined by the laboratory analysis as correlated to the hydraulic conductivity has been achieved. Results of field moisture and density tests shall be submitted to the department. The compacted soil shall be keyed into the bottom liner at the waste cell boundary.

2. Not less than two feet of uncompacted soil, containing sufficient organic matter to support vegetation. The thickness of this soil layer must be at least the root depth of the planned vegetative cover to prevent root penetration into the underlying soil layers. This layer shall be placed as soon as possible to prevent desiccation, cracking, and freezing of the compacted soil layer described in 101.213(11)*"b"*(1)"1."

(2) A layer of compacted soil, incinerator ash, or similar material permitted by the department may be used to prepare the landfill site for placement of the compacted soil layer described in 101.213(11)*"b"*(1)"1." The use of such material will not serve as a replacement for the compacted soil layer described in 101.213(11)*"b"*(1)"1."

(3) Alternate methods and materials may be permitted if shown to provide equivalent or superior performance.

c. The final cover shall be designed and graded to meet the drainage requirements of 101.213(11)*"c."* The final cover must have a minimum slope of 5 percent and shall not exceed a slope of 25 percent. Those portions of existing landfills demonstrating placement of final cover in conformance with previously approved plans and specifications shall not be required to reconstruct the cover to meet either the minimum or maximum slope established by this subrule.

d. The final cover shall be seeded with native grasses or other suitable vegetation as soon as practical upon completion to prevent soil erosion. If seeding must be delayed due to summer or winter conditions, silt fences or other structures shall be used to minimize erosion of the final cover until the next season suitable for planting. The placement of cover in conformance with 101.213(13)*"b"* shall not be delayed due to season and shall be placed as soon as the solid waste has reached its maximum design elevation within the cell. Vegetation type shall be based on density and root depth, nutrient availability, soil thickness, and soil type. Alternatives to vegetative cover may be considered to control erosion and promote runoff.

101.213(12) *Post-closure care.* Industrial landfills shall comply with the following post-closure care requirements for 30 years.

a. The diversion and drainage system must be maintained to approved specifications to prevent run-on and runoff from eroding or otherwise damaging the final cover.

b. The integrity and effectiveness of the final cover must be maintained by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events. If damage to the compacted soil layer described in 101.213(11)*"b"*(1)"1" occurs, repairs shall be made to correct the damage and return it to its original specifications.

c. The vegetative cover shall be reseeded as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed immediately.

d. The groundwater monitoring system shall be operated and maintained.

e. The leachate collection, removal and treatment systems shall be operated and maintained.

f. The landfill gas monitoring and collection systems shall be operated and maintained.

g. Semiannual reports shall be submitted to the department. These reports shall contain information concerning the general conditions at the landfill site, groundwater monitoring results, amount of leachate collected and treated, information concerning the landfill gas monitoring and

collection system, and other information as may be required by the closure permit. In addition, locations and elevations of all permanent monuments, required in 101.213(11)*"a,"* shall be determined at least once every three years or more frequently in the event of obvious disturbance of the monument. The reports are due by April 30 and October 31 for the preceding six-month period.

h. The permanent surveying monuments required in 101.213(11)*"a"* shall be maintained.

101.213(13) *Landfill gas.* This subrule shall not apply to industrial landfills that do not pose a risk to generating explosive gases.

a. Owners or operators of industrial landfills must ensure that:

(1) The concentration of explosive gases generated by the facility does not exceed 25 percent of the lower explosive limit for methane gas in facility structures (excluding gas control or recovery system components); and

(2) The concentration of methane gas does not exceed the lower explosive limit for methane gas at the facility property boundary.

b. Owners or operators of industrial landfills must monitor quarterly for compliance with 101.213(13)*"a."* An annual report shall be submitted by November 30 summarizing the methane gas monitoring results and any action taken resulting from gas levels exceeding the limits during the previous year.

c. If methane gas levels exceeding the limits specified in 101.213(13)*"a"* are detected, the owner or operator must:

(1) Immediately take all necessary steps to ensure protection of human health and notify the director;

(2) Within seven days after detection, submit to the director a report stating the methane gas levels detected and a description of the steps taken to protect human health;

(3) Within 60 days of detection, implement a plan for remediation of the methane gas releases and send a copy of the remediation plan to the director. The plan shall describe the nature and extent of the problem and the proposed remedy.

567—101.214(455B) Operating requirements.

101.214(1) Open burning shall be prohibited within the permitted boundary.

101.214(2) No free liquids or waste containing free liquids shall be disposed of in an industrial landfill.

101.214(3) Each permit issued by the department will contain facility-specific operating requirements consistent with the type of solid waste and the disposal process.

101.214(4) Closure requirements.

a. The owner or operator shall notify the department in writing at least 180 days prior to closure of the facility or suspension of operations.

b. Notice of closure shall be posted at the facility at least 180 days prior to closure indicating the date of closure and alternative solid waste management facilities. Notice of closure shall also be published at least 180 days prior to closure in a newspaper of local circulation. This notice shall include the date of closure and alternative solid waste management facilities if the facility is open to the public.

c. Implementation of the closure/post-closure plan shall be completed within 90 days of the closure of the facility. The owner and an Iowa-licensed professional engineer shall certify that the closure/post-closure plan has been implemented in compliance with the rules, the closure/post-closure plan, and the permit.

d. Upon completion of closure activities, a construction certification report must be submitted discussing quality assurance and quality control testing done to ensure that all materials for the cap have been placed in accordance with the approved engineering plans, reports, and specifications. The results of all testing must be included, along with documentation of any failed tests, a description of the procedures used to correct the failures, and results of any retesting performed. In addition, the following documentation shall be submitted: as-built plans showing changes from the original design

plans, a copy of the notation filed with the county recorder, and other forms of documentation as required.

567—101.215(455B) Financial assurance requirements. The owner or operator of an industrial landfill pursuant to this division must establish financial assurance for closure, post-closure, and corrective action, if applicable, in accordance with Division VIII of this chapter.

These rules are intended to implement Iowa Code section 455B.304.

567—101.216 to **101.299** Reserved.

DIVISION IV
COAL COMBUSTION RESIDUAL LANDFILLS

567—101.300(455B) Purpose. The purpose of this division is to implement Iowa Code chapter 455B, subchapter IV (solid waste disposal), for the siting, designing, and operating of a solid waste sanitary landfill accepting only coal combustion residuals.

567—101.301(455B) Applicability.

101.301(1) This division shall apply to sanitary landfills that are constructed and operated exclusively for the final deposition of coal combustion residuals, known for purposes of this chapter as CCR landfills.

101.301(2) Pursuant to Iowa Code section 455B.305(1), a CCR landfill shall not be constructed or operated without first obtaining a permit from the department pursuant to this division, the requirements set forth in 567—Chapter 100, and Division I of this chapter.

101.301(3) The issuance of a permit to a CCR landfill in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction and operation of a CCR landfill.

101.301(4) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.302(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—101.303(455B) Permits. For purposes of this division, the permit requirements in 567—Chapter 100 shall apply.

567—101.304(455B) Permit applications. Unless otherwise authorized by the department, a permit applicant shall submit on a form prescribed by the department the requirements in 567—Chapter 100, Division I of this chapter, and the following information.

101.304(1) A copy of the written agreement under 567—101.306(455B), if any, and documentation that it has been filed with the county recorder.

101.304(2) A topographic map of the site extending a minimum of 300 feet beyond the permitted property, with contour intervals not exceeding 10 feet, that shows the location of existing conditions, including but not limited to structures, wells, lakes, roads, drain tiles, or similar items.

101.304(3) A minimum of three soil borings for sites of ten acres or less with one additional boring for each additional three acres to determine the hydrogeologic conditions and establish the direction of groundwater flow, the depth to groundwater, and potential contaminant pathways throughout the site.

101.304(4) An adequate number of representative groundwater sample results to fully characterize the groundwater quality both temporally and spatially at the site and establish baseline levels for the following analytical parameters: arsenic, barium, beryllium, cobalt, copper, iron, lead, magnesium, manganese, selenium, zinc, chlorides, and sulfate.

101.304(5) A groundwater monitoring network that includes sufficient upgradient and downgradient monitoring wells that adequately monitor the potential contaminant pathways throughout the life of the site and the post-closure period.

101.304(6) Plans and specifications detailing how the CCR landfill will be constructed, operated, and closed.

101.304(7) An operations plan and a post-closure plan in accordance with the rules and the permit.

567—101.305(455B) Design requirements. In addition to the provisions in 567—100.5(455B,455D) and Division I of this chapter, the design shall include a liner and leachate collection system to protect groundwater and surface water.

567—101.306(455B) Operating requirements. Unless otherwise specified within a permit, a CCR landfill shall be operated in accordance with the provisions of 567—100.9(455B,455D). No wastes shall be deposited within 300 feet of an inhabitable residence or a commercial enterprise unless there is a written agreement with the property owner(s) allowing a lesser distance that has been filed with the local county recorder under the adjoining property or within 50 feet of the property boundary under any circumstances. An operations plan shall be prepared and submitted to the department that includes the following.

101.306(1) An identification of the area(s) to be filled during the period for which a permit is being requested.

101.306(2) The method(s) that will be utilized to prevent illicit municipal or putrescible solid wastes from being deposited as a result of mixing with authorized waste brought to the site.

101.306(3) The frequency, extent, and method of spreading and compacting the waste; the optimum layer thickness; and the size and slope of the operating face.

101.306(4) A description of the operating procedures from the arrival of waste to the site through unloading, placing, and closure to control fugitive dust, erosion, and contact water. If the methods used do not adequately control dust, contact water, and erosion, the department may require site-specific controls including a soil cover.

101.306(5) Detailed procedures for the removal of waste from the CCR landfill for beneficial reuse, if applicable.

101.306(6) Operating procedures for stormwater, contact water, and leachate management systems.

567—101.307(455B) Groundwater monitoring and reporting. Unless otherwise specified within a permit, the groundwater at a CCR landfill shall be monitored and reported in accordance with this rule.

101.307(1) For all new solid waste units, the groundwater monitoring network shall be installed before waste placement.

101.307(2) Quarterly sampling of all monitoring wells and analysis for the parameters specified in 101.304(4) shall commence within one year of initiating waste placement for the purpose of establishing the average baseline concentrations for each well.

101.307(3) Annual sampling of all monitoring wells for the parameters specified in 101.304(4) shall commence within one year of completing the quarterly baseline monitoring.

101.307(4) Additional sampling or a site assessment may be required by the department when there is an exceedance of any primary or secondary Maximum Contaminant Level (MCL), the Health

Advisory Level (HAL), or the Drinking Water Standards and Health Advisories of the federal Environmental Protection Agency.

101.307(5) When an MCL or HAL does not exist for a parameter, then the statewide standard for a protected drinking water source shall be used. If no statewide standard exists, then an analysis of available groundwater data for the parameter of concern must be prepared and submitted to the department to determine whether additional sampling or site assessment is required. The analysis shall include a comparison of the most recent sample result to the average of the most recent two years of data or utilize an alternative method approved by the department.

101.307(6) A report of the groundwater monitoring results, including a site inspection, shall be submitted to the department by the end of the first year's operation and annually thereafter.

101.307(7) A minimum of one sample from each monitoring well shall be collected annually during the post-closure period and analyzed for the parameters specified in the permit. The results shall be included in the annual report.

567—101.308(455B) Closure and post-closure requirements. Unless otherwise specified within a permit, a CCR landfill shall close in accordance with the following.

101.308(1) A closure and post-closure plan shall be prepared and submitted to the department and include the actions that will be taken to close the site, final site contours and final cover design, stormwater controls and management, groundwater monitoring and reporting, permanent survey control, annual inspections, and contact information for post-closure monitoring and maintenance.

101.308(2) The final cover shall consist of not less than two feet of compacted soil and one foot of uncompacted soil capable of sustaining the growth of native vegetation. The slope of the final cover after closure shall be not less than 3 percent nor more than 25 percent.

567—101.309(455B) Financial assurance requirements. The owner or operator of a CCR landfill must establish financial assurance for closure, post-closure, and remedial action/mitigation plan, if applicable, in accordance with Division VIII of this chapter.

These rules are intended to implement Iowa Code section 455B.304.

567—101.310 to **101.399** Reserved.

DIVISION V
SOLID WASTE TRANSFER STATIONS

567—101.400(455B) Purpose. The purpose of this division is to implement Iowa Code chapter 455B, subchapter IV (solid waste disposal), for the collection, temporary storage, and transfer of solid waste prior to final disposition.

567—101.401(455B) Applicability. This division applies to all solid waste transfer stations and solid waste collection and transport vehicles. The registration of a solid waste transfer station or issuance of a solid waste transfer station permit by the department in no way relieves the registrant or applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction and operation of a solid waste transfer station. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.402(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—101.403(455B) Location restrictions.

101.403(1) *Floodplains.* A solid waste transfer station shall not be located within a 100-year floodplain unless the design includes structures to prevent floodwater inundation from a 100-year flood of any area that comes into contact with solid waste or washwater.

101.403(2) *Inhabitable structure and sensitive populations.* A solid waste transfer station shall not be located within 500 feet of the property line of an educational or health care facility or permanent residence unless screening is utilized to minimize noise and visibility of operations. Such screening shall utilize natural components to the maximum extent possible. This requirement shall not apply if construction of the educational or health care facility or permanent residence began after the department received the solid waste transfer station permit application.

101.403(3) *Property line setback.* A solid waste transfer station building or solid waste receptacle (e.g., dumpster, roll-off box) shall be at least 50 feet from an adjacent property line unless otherwise approved by the department in writing.

567—101.404(455B) Registration in lieu of permit.

101.404(1) *Exemption requirements.* A person may construct and operate a solid waste transfer station without a permit issued pursuant to this division if all of the following criteria apply.

a. The person registers the facility pursuant to this rule;

b. The facility only receives solid waste from citizens and small businesses that do not utilize solid waste collection vehicles or satellite solid waste collection vehicles;

c. Solid waste will not be processed at the facility;

d. The facility will not be used by anyone who has been contracted to do any hauling or disposal of solid waste;

e. Solid waste will not be placed on the ground or tipping floor of a building as part of the facility's operation; and

f. The department has not notified the registrant that a permit pursuant to this division is required to protect human health and the environment.

101.404(2) *Notification requirements.* A person registering a solid waste transfer station pursuant to this rule shall provide the following, on a form prescribed by the department, prior to accepting waste and shall notify the department in writing at least 30 days prior to any operational change.

a. The physical location of the solid waste transfer station.

b. The name, address, email address, and phone number of the site owner.

c. The name, address, email address, and phone number of the responsible official.

d. The solid waste comprehensive planning area of the facility and political jurisdictions included within the facility's service area.

e. The sanitary disposal project(s) designated for final disposal of the collected waste.

f. An emergency response and remedial action plan pursuant to 567—100.14(455B).

g. Proof of the applicant's ownership of the site or legal entitlement to use the site as a solid waste transfer station.

h. Proof that the site complies with local zoning.

i. A closure cost estimate pursuant to 101.413(2) and the documents establishing financial assurance pursuant to Division VIII of this chapter or documentation of a surety bond in the amount of $15,000 pursuant to 101.413(3).

101.404(3) *Inspection prior to startup.* Registrants shall adhere to the inspection requirements of 567—100.7(455B,455D).

101.404(4) *Registration renewal.* A solid waste transfer station registration shall be issued and may be renewed for a period of no longer than five years. Renewal registrations shall be subject to the provisions of all rules of the department in effect at the time of the renewal.

101.404(5) *Operating requirements.* In addition to the provisions of 567—100.9(455B,455D), registered solid waste transfer stations shall comply with the following.

a. Solid waste shall not be accepted from solid waste collection vehicles or loaded into solid waste transport vehicles to facilitate final disposition.

b. All solid waste received shall be loaded into dumpsters, compactors, or roll-off boxes and removed by solid waste collection vehicles to facilitate final disposition.

c. Solid waste receptacles shall not be allowed to overflow, and the waste shall be removed as often as necessary to prevent a nuisance or public health hazard.

101.404(6) *Recordkeeping and reporting requirements.* Registered solid waste transfer stations that directly dispose of solid waste outside of Iowa shall, on a form prescribed by the department, report the information required in 101.404(6)*"a"* through *"c"* to the department quarterly. For registered solid waste transfer stations that directly dispose of solid waste within Iowa, the following records shall be maintained by the owner or operator for a period of three calendar years and be made available at all reasonable times for inspection by the department.

a. Tons of solid waste disposed of.

b. The solid waste comprehensive planning area(s) from which the solid waste originated.

c. Destination of all outgoing solid waste.

101.404(7) *Closure requirements.* In addition to the provisions of 567—100.10(455B,455D), registered solid waste transfer stations shall adhere to the closure requirements in 567—101.411(455B).

567—101.405(455B) Permits. Pursuant to Iowa Code section 455B.305(1), and except as provided 567—101.404(455B), no person shall construct or operate a solid waste transfer station without first obtaining a permit from the department pursuant to this division and 567—Chapter 100.

101.405(1) *Plans.* In addition to the provisions of 567—100.5(455B,455D), a solid waste transfer station permit applicant shall address the following on a form prescribed by the department.

a. Design plan. An engineering design, including applicable approvals from responsible government agencies and public entities, and engineering plans and specifications completed by the professional engineer listed in 567—subparagraph 100.5(1)*"a"*(4) detailing how the site will comply with 567—101.403(455B), 567—101.406(455B), and 567—101.408(455B).

b. Operations plan. A plan of operations detailing how the site will comply with 567—100.9(455B,455D), 567—101.407(455B), and 567—101.410(455B).

101.405(2) *Duration.* A solid waste transfer station permit shall be issued and may be renewed for a period of no longer than five years. Renewal applications shall be subject to the provisions of all rules of the department in effect at the time of the renewal.

567—101.406(455B) Design requirements. Unless registered pursuant to 567—101.404(455B) or otherwise specified within a permit, a solid waste transfer station shall be designed and constructed in accordance with this rule.

101.406(1) *Solid waste transfer station building.* A solid waste transfer station shall include a building inside which all solid waste is unloaded from solid waste collection vehicles and loaded into solid waste transport vehicles.

a. All surfaces that come into contact with solid waste shall be enclosed by walls and a roof satisfactory to:

(1) Minimize dust.

(2) Prevent litter from exiting the building.

(3) Keep precipitation out of the building.

(4) Prevent the attraction or harboring of vectors.

b. All surfaces that come in contact with solid waste or washwater shall be impervious to liquids.

c. The solid waste transfer station building shall have a drainage system that maintains a separation between stormwater and washwater.

d. The solid waste transfer station building shall have a washwater collection system that directs washwater to a storage tank for subsequent disposal, a sanitary sewer system, or equivalent as

approved by the department. Unless otherwise approved by the department, storage tanks shall have high-level indicators or gauges.

e. Each area where unloaded solid waste is stored during nonoperating hours shall be clearly marked and include a fire detection system that notifies local emergency responders in case of a fire.

f. If solid waste is to be managed or stored in a surge pit, then effective odor control mechanisms are required and a sprinkler system shall be installed over the area.

g. The solid waste transfer station building shall have adequate indoor and outdoor lighting that minimizes the difference in lighting when entering or exiting the building.

h. The solid waste transfer station building shall have doors at each entrance and exit.

101.406(2) *Other site design requirements.* A solid waste transfer station shall:

a. Provide a secure perimeter fence with lockable gate(s).

b. Use a scale certified by the Iowa department of agriculture and land stewardship. A solid waste transfer station may use a certified scale located off the premises and owned by a separate entity.

c. Provide adequate queuing distance for vehicles entering and exiting the property such that lines of vehicles will not extend onto public streets during peak hours unless approved by the appropriate local or state government authority.

d. Provide signs or pavement markings indicating safe and proper on-site traffic patterns.

567—101.407(455B) Operating requirements. Unless otherwise specified within a permit, a solid waste transfer station shall be operated in accordance with the provisions of 567—100.9(455B,455D) and this rule.

101.407(1) Unless registered pursuant to 567—101.404(455B), all handling, processing, screening, open storage, loading, and similar activities or processes involving solid waste shall be performed inside the solid waste transfer station building.

101.407(2) Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a solid waste transfer station building. A rear-loading solid waste transport vehicle that does not have any other open access and securely abuts the solid waste transfer station building so that minimal amounts of solid waste escape during loading shall qualify as being inside the building.

101.407(3) Solid waste transfer station operators shall segregate and manage unacceptable wastes and hot loads in accordance with applicable laws and in a manner as safe and responsible as practical.

101.407(4) Solid waste receptacles shall not be allowed to overflow, and the waste shall be removed as often as necessary to prevent a nuisance or public health hazard.

101.407(5) Solid waste transfer stations shall not accept special wastes pursuant to 567—Chapter 102, Division VI.

101.407(6) Washwater management systems, if applicable, shall not be allowed to overflow and shall be inspected monthly and maintained in proper operating condition.

101.407(7) Any breach of a surface that prevents washwater from entering the ground and groundwater shall be repaired within 24 hours to make that surface impervious to liquids. If such repairs cannot be made within 24 hours, the facility shall not allow solid waste or washwater to come into contact with the breached area until repairs are complete. If the facility cannot prevent solid waste or washwater from coming into contact with the breached area, the department may require the facility to shut down until repairs are completed.

101.407(8) Unless registered pursuant to 567—101.404(455B), site access shall be controlled and limited to a time when a solid waste transfer station operator is on site and:

a. Has read, understands, and is able to implement the operational requirements of 567—101.407(455B).

b. Has read, understands, and is able to implement the emergency response and remedial action plan pursuant to 567—100.14(455B).

c. Is able to visually recognize universal symbols and markings and indications of unacceptable materials pursuant to 101.407(9).

101.407(9) All solid waste accepted by a solid waste transfer station shall, at a minimum, be visually inspected by personnel capable of identifying hot loads and hazardous, infectious, radioactive, and other wastes not acceptable for disposal in a sanitary landfill.

567—101.408(455B) Temporary solid waste storage requirements. Unless otherwise specified within a permit, a solid waste transfer station shall comply with the following storage requirements.

101.408(1) *Areas permitted for storage.* Solid waste shall be stored in the following manner.

a. Inside a solid waste transfer station building in a clearly marked designated area;

b. Inside a solid waste transfer station building in a surge pit;

c. Inside a secure solid waste transport vehicle, including intermodal container systems, protected from precipitation and vectors; or

d. Inside dumpsters, compactors, roll-off boxes, and other solid waste receptacles adequate to prevent the accidental discharge of its contents and the attraction or harborage of vectors.

101.408(2) *Storage time requirements.* Solid waste shall be stored no longer than the following periods of time unless shorter storage times are required by the local government authority to prevent a nuisance or public health hazard.

a. Inside a solid waste transfer station building without a surge pit or similar operational structure for not more than four days, excluding Sundays and national holidays.

b. Inside a solid waste transfer station building in a surge pit for not more than seven days, including Sundays and national holidays.

c. Inside a solid waste transport vehicle designated to travel only via roadway for not more than four days, excluding Sundays and national holidays.

d. Inside a solid waste transport vehicle designated to travel via rail or navigable waterway, including intermodal container systems, for not more than seven days, including Sundays and national holidays.

e. Inside dumpsters, roll-off boxes, and other solid waste receptacles at registered solid waste transfer stations for not more than four days, excluding Sundays and national holidays.

567—101.409(455B) Recordkeeping and reporting requirements.

101.409(1) Unless registered pursuant to 567—101.404(455B) or otherwise specified within a permit, a solid waste transfer station shall comply with the following recordkeeping requirements.

a. A solid waste transfer station shall maintain a copy of the following documents on site:

(1) Current operating permit.

(2) Design plan pursuant to 101.405(1)*"a."*

(3) Operations plan pursuant to 101.405(1)*"b."*

(4) Emergency response and remedial action plan pursuant to 567—100.14(455B).

(5) Proof of financial assurance pursuant to 567—101.413(455B).

b. A solid waste transfer station shall maintain records of the following information for a period of three calendar years:

(1) Tons of all solid waste disposed of quarterly.

(2) Destination of all outgoing solid waste.

(3) Washwater management system inspection log, if applicable.

(4) Hot loads and hazardous, infectious, radioactive, or other unacceptable wastes found.

101.409(2) Unless registered pursuant to 567—101.404(455B) and directly disposing of solid waste within Iowa, or otherwise specified within a permit, a solid waste transfer station shall report the following information, on a form prescribed by the department, to the department on a quarterly basis:

a. Tons of solid waste disposed of.

b. The solid waste comprehensive planning area(s) from which the solid waste originated.

c. Destinations of all outgoing solid waste.

567—101.410(455B) Solid waste collection and transport vehicle construction and operation requirements. Unless otherwise specified within a permit, solid waste collection vehicles and solid waste transport vehicles shall comply with the following requirements.

101.410(1) The portion of a solid waste collection or transport vehicle that contains solid waste shall be designed to prevent the accidental discharge of its contents, the attraction or harborage of vectors, and the infiltration of precipitation. This design shall include a suitable cover, where applicable, that is not easily torn, shredded, broken, or otherwise breached under normal use.

101.410(2) Any solid waste collection or transport vehicle that fails to comply the requirements of this rule shall be repaired before it is utilized in the transport or storage of solid waste.

101.410(3) A solid waste collection or transport vehicle's openings shall be securely closed before transport and during solid waste storage so as to prevent the loss of solid waste.

101.410(4) A solid waste transport vehicle shall be loaded with solid waste inside a solid waste transfer station building and in a manner that minimizes the spilling of materials. Solid waste spilled from a solid waste transport vehicle during loading shall be collected as often as necessary to minimize litter, dust, or other fugitive debris.

101.410(5) All solid waste collection and transport vehicles shall be cleaned at intervals frequent enough to prevent the attraction or harborage of vectors, so as not to create a nuisance or public health hazard.

101.410(6) Liquids generated from the cleaning of the areas of solid waste collection or transport vehicles that hold solid waste shall be considered washwater and managed accordingly.

101.410(7) If solid waste is spilled from a solid waste collection or transport vehicle during transport to a solid waste disposal facility, the spilled solid waste shall be collected as soon as possible. The solid waste transfer station shall immediately report the spill to the department and the department field office with jurisdiction over the facility and spill location.

567—101.411(455B) Closure requirements. Unless otherwise specified within a permit, a solid waste transfer station shall be closed in accordance with the provisions of 567—100.10(455B,455D) and this rule. Closure shall not be official until the department has given written certification of the completion of the following activities.

101.411(1) Proper disposal of all solid waste and litter at the site.

101.411(2) Cleaning of all dumpsters, compactors, roll-off boxes, and other solid waste receptacles that will remain on site, including the rinsing of all surfaces that have come in contact with solid waste.

101.411(3) Cleaning the solid waste transfer station building, if applicable, including the rinsing of all surfaces that have come in contact with solid waste or washwater.

101.411(4) Cleaning of all solid waste collection and transport vehicles that will remain on site, including the rinsing of all surfaces that have come in contact with solid waste.

101.411(5) Removal and proper management of all washwater in the washwater management system.

101.411(6) Locking all doors, gates, entrances and exits.

101.411(7) Reporting of the completion of these activities to the local political jurisdictions, the department, and the department field office with jurisdiction over the solid waste transfer station.

567—101.412(455B) Emergency solid waste transfer permit. If a primary sanitary disposal project in a solid waste comprehensive planning area becomes inoperable, the department may issue an emergency solid waste transfer permit (also known as temporary debris management site or TDMS) for a period of time no longer than necessary for a sanitary disposal project that provides replacement capacity to be constructed and become operational. The department may also issue an emergency solid waste transfer permit for a period of time no longer than necessary for a sanitary disposal project to

return to operation or if more solid waste is produced by an extraordinary event (e.g., unforeseen disasters such as storms, fires, floods, tornadoes) than can be managed by a sanitary disposal project. The conditions of an emergency solid waste transfer permit shall be determined by the department and may be used as an alternative to the requirements of this division. The department shall issue an emergency solid waste transfer permit only if the department has determined that solid waste must be transferred from the impacted area(s) in order to protect human health and the environment.

567—101.413(455B) Financial assurance requirements. The owner or operator of a solid waste transfer station must establish financial assurance for the costs of site closure in accordance with the criteria pursuant to this rule and Division VIII of this chapter.

101.413(1) Except as provided in 101.413(3), 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 properly close the solid waste transfer station in accordance with the closure criteria in 567—101.411(455B).

101.413(2) The detailed written estimate shall account for at least the following factors determined by the department to be minimal necessary costs for site closure.

a. Third-party labor and transportation costs and total tip fees to properly dispose of all solid waste and litter at the facility equal to twice the maximum storage capacity of the facility. If materials are temporarily stored on site in solid waste collection or transport vehicles or waste receptacles, then this estimate shall include disposal costs for the maximum number of solid waste collection or transport vehicles and waste receptacles that can be on site at any one time.

b. The cost of hiring a third party to properly clean and decontaminate all equipment, storage facilities, holding areas and drainage collection systems. This estimate shall include the cost of properly disposing of a one-week volume of washwater from the facility. If the facility utilizes a washwater storage tank, then this estimate shall assume that the storage tank is full and add that volume to the one-week volume.

c. The cost associated in maintaining financial assurance pursuant to this rule and Division VIII of this chapter.

101.413(3) The owner or operator of a solid waste transfer station that is permitted for or manages no more than 5,000 tons of solid waste annually shall have the option to comply with the financial assurance requirements of this rule and Division VIII of this chapter by executing a surety bond in the sum of $15,000 pursuant to 567—subrule 101.707(2). In electing this option, the owner or operator shall not be required to submit a detailed written cost estimate for site closure pursuant to 101.413(1). This surety bond shall be unique to the solid waste transfer station and shall not be combined or used to meet the financial assurance obligations of any other permitted facility or activity.

These rules are intended to implement Iowa Code section 455B.304.

567—101.414 to **101.499** Reserved.

DIVISION VI
SOLID WASTE INCINERATOR OPERATOR CERTIFICATION

567—101.500(455B) Purpose. The purpose of this division is to implement Iowa Code section 455B.304(12) by providing the criteria for establishing the certification of operators of solid waste incinerators.

567—101.501(455B) Applicability. The requirements of this division apply to all operators of solid waste incinerators. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa

Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.502(455B) Solid waste incinerator operator certification. Solid waste incinerator operators shall be trained, tested, and certified by a department-approved certification program.

101.502(1) *Operator on duty.* A solid waste incinerator operator shall be on duty during all hours of operation of a solid waste incinerator, consistent with the respective certification.

101.502(2) *Training course; reciprocity.* To become a certified operator, an individual shall complete a basic operator training course that has been approved by the department or alternative, equivalent training approved by the department and shall pass a departmental examination as specified by this division. An operator certified by another state may have reciprocity subject to approval by the department.

101.502(3) *Biennial certification.* A solid waste incinerator operator certification is valid from the date of issuance until June 30 of the following even-numbered year.

101.502(4) *Basic operator training course.* The required basic operator training course for a certified solid waste incinerator operator shall have at least eight contact hours and shall address the following areas at a minimum.

a. Description of types of wastes;
b. Incinerator design;
c. Interpreting and using engineering plans;
d. Incinerator operations and safety;
e. Combustion controls and monitoring;
f. Applicable laws and regulations;
g. Permitting processes;
h. Incinerator maintenance; and
i. Ash and residue disposal.

101.502(5) *Alternative basic operator training.* Alternative basic operator training must be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternative training.

101.502(6) *Fees.*

a. The examination fee for each examination is $20.

b. 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.

c. The certification renewal fee is $24.

d. The penalty fee is $12.

101.502(7) *Examinations.*

a. The operator certification examinations will be based on the basic operator training course curriculum in 101.502(4).

b. All persons wishing to take the examination required to become a certified operator of a solid waste incinerator shall complete an operator certification examination application on a form prescribed by the department. 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 Iowa Department of Natural Resources, 6200 Park Avenue, Des Moines, Iowa 50321. Application for examination must be received by the department prior to the date of examination.

c. A properly completed application for examination shall be valid for one year from the date the application is approved by the department.

d. 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 before taking a third examination. If the third examination occurs beyond the one year time frame in 101.502(7)*"c,"* a new operator certification examination application is required.

e. Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee prior to the date of examination.

f. Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

g. Oral examinations may be given at the discretion of the department.

101.502(8) *Certification.*

a. All operators will be required to take the basic operator training course and pass the examination in order to become certified.

b. Application for certification must be received by the department within 30 days of the date the applicant receives written notification of successful completion of the examination. All applications for certification shall be made on a form prescribed by the department and be accompanied by the certification fee.

c. Applications for certification by examination that 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.

d. For applicants who have been certified under a mandatory certification program in another state, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

e. For applicants who have been certified under voluntary certification programs in another state, 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.

f. Applicants who seek Iowa certification pursuant to 101.502(8)*"d"* or *"e"* shall submit an application for examination accompanied by a letter requesting certification pursuant to this subrule. Application for certification pursuant to this subrule shall be received by the department in accordance with 101.502(8)*"b"* and *"c."*

101.502(9) *Duration and renewal of certification.* All certificates shall expire every two years, on even-numbered years, and must be renewed every two years to maintain certification. The renewal application and fee are due prior to expiration of certification.

a. Late application for renewal of a certification may be made, provided that such late application shall be received by the department or postmarked within 30 days of the expiration of the certification. Such late application shall be on a form prescribed by the department and accompanied by the penalty fee and the certification renewal fee.

b. If a certificate holder fails to apply for renewal within 30 days following expiration of the certification, the right to renew the certification automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes the examination. The applicant must then apply for certification in accordance with 101.502(8).

c. An operator shall not continue to operate a solid waste incinerator after expiration of a certification without renewal thereof.

d. Continuing education credits must be earned during the two-year certification period. All certified operators must earn six contact hours per certification during each two-year period. The two-year period will begin upon issuance of certification.

e. Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certifications. The certifications of operators not fulfilling the continuing education requirements shall be void upon expiration unless an extension is granted.

f. All activities for which continuing education credit will be granted must be related to the subject matter of the particular certification to which the credit is being applied.

g. 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 that prevent attendance at the required activities. All requests for extensions must be made prior to expiration of certification.

h. 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.

i. A certified operator shall be deemed to have complied with the continuing education requirements of this division during periods that the operator serves honorably on active duty in military service, during 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, during periods that the person is a government employee working as an operator and is assigned to duty outside of the United States, or during other periods of active practice and absence from the state approved by the department.

567—101.503(455B) Discipline of certified operators.

101.503(1) Disciplinary action may be taken on any of the following grounds.

a. 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 solid waste incinerator operation.

b. 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.

c. 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.

101.503(2) The following disciplinary sanctions are allowable.

a. Revocation of a certification.

b. 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.

101.503(3) The procedure for discipline is as follows.

a. 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 101.503(1) and report the results of the investigation to the commission.

b. A disciplinary action may be prosecuted by the department.

c. Written notice shall be given to an operator against whom disciplinary action is being considered and, as appropriate, to the responsible official of the permitted solid waste incinerator. 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.

d. An operator who receives notice shall communicate in writing or in person with the department, and efforts shall be made to clarify the respective positions of the operator and department.

e. The applicant's failure to communicate facts and positions relevant to the matter by the required date may be considered when appropriate disciplinary action is determined.

f. 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.

g. 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 561—Chapter 7 related to contested and certain other cases pertaining to licensee discipline.

101.503(4) 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 the examination and be certified in the same manner as a new applicant.

567—101.504(455B) Temporary operator designation. A temporary operator of a solid waste incinerator 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 that 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 567—101.503(455B).

These rules are intended to implement Iowa Code section 455B.304(12).

567—101.505 to **101.699** Reserved.

DIVISION VII
RESERVED

DIVISION VIII
FINANCIAL ASSURANCE

567—101.700(455B) Purpose. The purpose of this division is to implement Iowa Code sections 455B.304(8) and 455B.306(9) by providing the criteria for establishing financial assurance for closure, post-closure care, and corrective action at sanitary disposal projects, whichever is applicable.

567—101.701(455B) Applicability.

101.701(1) The requirements of this division apply to all owners and operators of sanitary disposal projects, except owners or operators who are state or federal government entities, whose debts and liabilities are the debts and liabilities of a state or the United States.

101.701(2) This division does not apply to municipal solid waste sanitary landfills regulated pursuant to Division II of this chapter that ceased accepting solid waste by August 24, 1994, nor to industrial sanitary landfills and coal combustion residual sanitary landfills regulated pursuant to Divisions III and IV of this chapter, respectively, that ceased accepting waste by October 31, 2007.

101.701(3) This division does not apply to sanitary disposal projects that are not sanitary landfills and that have completed proper site closure nor to sanitary landfills that have completed post-closure care obligations prior to [the effective date of this rule].

101.701(4) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—101.702(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—101.703(455B) Financial assurance for closure of sanitary disposal projects that are not sanitary landfills. The owner or operator of a sanitary disposal project must establish financial assurance for the costs of site closure in accordance with the criteria in this division. The owner or operator must provide continuous coverage for site closure until released from this requirement by demonstrating compliance with the closure criteria expressed within each sanitary disposal project's applicable division. Proof of compliance pursuant to 101.703(1) through 101.703(3) shall be submitted to the department by the owner or operator at the time of application for a permit, and with each renewal thereafter, until the owner or operator is released from this requirement by the department.

101.703(1) The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required and the current value of the financial assurance instrument(s) at the time of submittal as required by Iowa Code section 455B.306(9).

101.703(2) The owner or operator shall submit a copy of the documents establishing the financial assurance instrument(s) in an amount equal to or greater than the amount specified in 567—101.710(455B). Documentation for the instrument(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in 567—101.707(455B).

101.703(3) 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 properly close the sanitary disposal project in accordance with the closure criteria expressed within each sanitary disposal project's applicable division.

a. The cost estimate must equal the cost of closing the sanitary disposal project at any time during its permitted life when the extent and manner of its operation would make closure the most expensive.

b. The costs contained in the estimate for site closure must be accurate and reasonable when compared to the cost estimates used by other similarly situated sanitary disposal projects in Iowa.

c. The owner or operator must, at the time of permit renewal or at the time of application for a permit modification that increases closure costs, whichever occurs first, have an Iowa-licensed professional engineer update the closure cost estimate, and update the amount of financial assurance provided if changes to the closure plan or sanitary disposal project conditions increase the maximum cost of closure at any time during the remaining active life of the site.

d. The owner or operator may reduce the amount of financial assurance for proper closure of the site if the most recent estimate of the maximum cost of closure at any time during the active life of the site 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 101.703(1) through 101.703(3) and receive department approval for the reduction.

567—101.704(455B) Financial assurance for closure of sanitary landfills. The owner or operator of a sanitary landfill must establish financial assurance for the costs of site closure in accordance with the criteria in this division. The owner or operator must provide continuous coverage for site closure until released from this requirement by demonstrating compliance with the approved closure plan and the closure permit. Proof of compliance pursuant to 101.704(1) through 101.704(5) shall be submitted to the department by the owner or operator yearly by April 1 and approved by the department.

101.704(1) The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required, the annual financial statement required by Iowa Code section 455B.306(9)*"e,"* and the current value of the financial assurance instrument(s) as required by Iowa Code section 455B.306(9).

101.704(2) The owner or operator shall submit a copy of the documents establishing the financial assurance instrument(s) in an amount equal to or greater than the amount specified in 567—101.710(455B). Documentation for the instruments(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in 567—101.707(455B).

101.704(3) The owner or operator shall, except for the allowance granted in 101.704(3)*"c,"* 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 sanitary landfill in accordance with the approved closure plan and the closure permit.

a. The cost estimate must equal the cost of closing the sanitary landfill at the time the cost estimate is prepared.

b. The costs contained in the estimate for closure must be accurate and reasonable when compared to the cost estimates used by other similarly situated sanitary landfills in Iowa.

c. During the active life of the sanitary landfill, the owner or operator may, for the duration of the permit cycle or five years, whichever is less, have an Iowa-licensed professional engineer adjust the certified closure cost estimate for inflation by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross Domestic Product published by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. After applying the inflation factor for the duration of the permit cycle, or five years, whichever is less, the owner or operator shall again submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer pursuant to 101.704(3).

d. The owner or operator must annually or at the time of permit renewal, at the time of application for a permit modification, or due to other requirements that increase closure costs have an Iowa-licensed professional engineer update the detailed written closure cost estimate and update the amount of financial assurance provided if changes to the closure plan or sanitary landfill conditions increase the cost of closure.

e. The owner or operator may reduce the amount of financial assurance for proper closure of the site if the most recent estimate 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 101.704(1) through 101.704(5) and receive department approval for the reduction.

f. The estimate submitted to the department must include the site area subject to closure (in acres) and account for at least the following factors determined by the department to be the minimal necessary costs for closure.

(1) Closure and post-closure 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.

101.704(4) For publicly owned sanitary landfills, 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. In addition to the annual audit report, the owner or operator of a publicly owned sanitary landfill may submit financial institution statements to document the current balance of a trust fund or local government dedicated fund established pursuant to 101.707(1) and 101.707(9) or the closure and post-closure care account(s) pursuant to 567—101.709(455B).

101.704(5) Privately owned sanitary landfills shall submit an affidavit from the owner or operator indicating that a yearly review has been performed by an Iowa-licensed certified public accountant to determine whether the privately owned sanitary landfill is in compliance with this division. The affidavit shall state the name of the Iowa-licensed certified public accountant, the dates and conclusions of the review, and the steps taken to rectify any deficiencies identified by the accountant.

567—101.705(455B) Financial assurance for post-closure care of sanitary landfills. The owner or operator of a sanitary landfill must establish financial assurance for the costs of post-closure care in accordance with the criteria in this division. The owner or operator must provide continuous coverage for post-closure care until released from this requirement by demonstrating compliance with the approved post-closure plan and the closure permit. Proof of compliance pursuant to 101.705(1) through 101.705(5) shall be submitted to the department by the owner or operator yearly by April 1 and approved by the department.

101.705(1) The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required, the annual financial statement required by Iowa Code section 455B.306(9)*"e,"* and the current value of the financial assurance instrument(s) as required by Iowa Code section 455B.306(9).

101.705(2) The owner or operator shall submit a copy of the documents establishing the financial assurance instrument(s) in an amount equal to or greater than the amount specified in 567—101.710(455B). Documentation for the instruments(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in 567—101.707(455B).

101.705(3) The owner or operator shall, except for the allowance granted in 101.705(3)*"c,"* 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 post-closure care for the sanitary landfill in accordance with the approved post-closure plan and the closure permit.

a. The cost estimate must account for the total cost of conducting post-closure care, as described in the plan, for the entire post-closure care period.

b. The costs contained in the estimate for post-closure care must be accurate and reasonable when compared to the cost estimates used by other similarly situated sanitary landfills in Iowa.

c. During the active life of the sanitary landfill and during the post-closure care period, the owner or operator may, for the duration of the permit cycle or five years, whichever is less, have an Iowa-licensed professional engineer adjust the certified post-closure cost estimate for inflation by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross Domestic Product published by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. After applying the inflation factor for the duration of the permit cycle, or five years, whichever is less, the owner or operator shall again submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer pursuant to 101.705(3).

d. The owner or operator must, annually or at the time of application for a permit modification, or due to other requirements that increase post-closure care costs, have an Iowa-licensed professional engineer increase the detailed written post-closure cost estimate and update the amount of financial assurance provided if changes in the post-closure plan or sanitary landfill conditions increase the cost of post-closure care.

e. The owner or operator may reduce the amount of financial assurance for post-closure care if the most recent estimate of post-closure care 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 post-closure cost estimate and the updated documentation required by 101.705(1) through 101.705(5) and receive department approval for the reduction.

f. The estimate submitted to the department must include the site area subject to post-closure care and account for at least the following factors determined by the department to be the minimal necessary costs for post-closure 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, if applicable;
(6) Gas control systems monitoring and reports, if applicable;
(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) Facility inspections and technical reports;
(14) Engineering and technical services;
(15) Legal, financial, and administrative services; and
(16) Financial assurance, accounting, audits, and reports.

101.705(4) For publicly owned sanitary landfills, 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. In addition to the annual audit report, the owner or operator of a publicly owned sanitary landfill may submit financial institution statements to document the current balance of a trust fund or local government dedicated fund established pursuant to 101.707(1) and 101.707(9), or the closure and post-closure care account(s) pursuant to 567—101.709(455B).

101.705(5) Privately owned sanitary landfills shall submit an affidavit from the owner or operator indicating that a yearly review has been performed by an Iowa-licensed certified public accountant to determine whether the privately owned sanitary landfill is in compliance with this division. The affidavit shall state the name of the Iowa-licensed certified public accountant, the dates and conclusions of the review, and the steps taken to rectify any deficiencies identified by the accountant.

567—101.706(455B) Financial assurance for corrective action at sanitary landfills.

101.706(1) An owner or operator required to undertake corrective action must have a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer, of the cost of hiring a third party to perform the required corrective action. The cost estimate must account for the total cost of conducting the activities described in the corrective action plan for the entire corrective action period. The owner or operator must submit to the department for approval the cost estimate and financial assurance documentation prior to implementation of the corrective action remedy. Proof of continued compliance pursuant to 101.706(1) and 101.706(2) shall be submitted to the department by the owner or operator yearly by April 1 and approved by the department.

a. The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required to complete the corrective action remedy and the current value of the financial assurance instrument(s).

b. The owner or operator may, for up to three consecutive years, have an Iowa-licensed professional engineer adjust the certified corrective action cost estimate for inflation by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross Domestic Product published by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. After three consecutive years of applying the inflation factor, the owner or operator shall again submit a detailed

written estimate, in current dollars, certified by an Iowa-licensed professional engineer pursuant to this subrule.

c. The owner or operator must increase the detailed written corrective action cost estimate and update the amount of financial assurance provided if changes in the corrective action remedy or sanitary landfill conditions increase the maximum cost of corrective action.

d. The owner or operator may reduce the amount of the cost estimate and the amount of financial assurance provided if the cost estimate exceeds the maximum remaining costs of the remaining corrective action. Prior to the reduction, the owner or operator must submit to the department the justification for the reduction of the corrective action cost estimate and the updated documentation required by 101.706(1) through 101.706(2) and receive department approval for the reduction.

101.706(2) The owner or operator of a sanitary landfill required to undertake corrective action must establish financial assurance for the corrective action remedy by one of the instruments prescribed in 567—101.707(455B). The owner or operator must provide continuous coverage for corrective action until released from financial assurance requirements by demonstrating compliance with the following.

a. Upon completion of the corrective action remedy, the owner or operator must submit to the department a certification of compliance with the corrective action plan. The certification must be signed by the owner or operator and by a qualified groundwater scientist.

b. Upon department approval of completion of the corrective action remedy, the owner or operator shall be released from the requirement for financial assurance for corrective action pursuant to 567—101.706(455B).

567—101.707(455B) Allowable financial assurance instruments. The instruments used to demonstrate financial assurance, as required by Iowa Code sections 455B.304(8) and 455B.306(9), must ensure that the funds necessary to meet the costs of closure, post-closure care, and corrective action for known releases will be available whenever the funds are needed. The instruments used shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Owners or operators must choose from options in 101.707(1) through 101.707(9), as provided for in Iowa Code section 455B.301(9)*"c."*

101.707(1) *Trust fund.*

a. An owner or operator may demonstrate financial assurance for closure, post-closure care and corrective action, whichever is applicable, by establishing a trust fund that conforms to the requirements of this subrule. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency. The owner or operator must submit to the department a copy of the executed trust agreement.

b. For a trust fund used to demonstrate financial assurance for proper closure at a sanitary disposal project that is not sanitary landfill, there is no pay-in period as defined in 101.707(1)*"c."* Instead, the trust fund shall be in an amount equal to or greater than the amount specified in 101.703(3).

c. Payments into the trust fund must be made annually by the owner or operator over ten years or over the remaining permitted life of the sanitary landfill, whichever is shorter, in the case of a trust fund for closure and post-closure care, or over one-half of the estimated length of the corrective action remedy in the case of response to a known release. This period is referred to as the pay-in period.

d. For a trust fund used to demonstrate financial assurance for closure and post-closure care at a sanitary landfill, the first payment into the fund must be at least equal to the amount specified in 567—101.710(455B) for closure and post-closure care, divided by the number of years in the pay-in period, as defined in 101.707(1)*"c."* The amount of subsequent payments must be determined by the following formula.

$$\text{Next Payment} = \frac{CE - B}{Y}$$

Where:

"CE" is the amount specified in 567—101.710(455B) for closure and post-closure care (updated for inflation or other changes).

"B" is the balance of the trust fund at the close of the previous fiscal year.

"Y" is the number of years remaining in the pay-in period.

e. Unless otherwise authorized by the department, for a trust fund used to demonstrate financial assurance for corrective action at a sanitary landfill, the first payment into the trust fund must be at least equal to one-half of the amount specified in 101.706(1) for corrective action, divided by the number of years in the corrective action pay-in period, as defined in 101.707(1)*"c."* The amount of subsequent payments must be determined by the following formula.

$$\text{Next Payment} = \frac{RB - V}{Y}$$

Where:

"RB" is the most recent estimate of the required trust fund balance for corrective action.

"V" is the current value of the trust fund at the close of the previous fiscal year.

"Y" is the number of years remaining in the pay-in period.

f. The initial payment into the trust fund must be made prior to the initial receipt of solid waste at the sanitary landfill or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care; or no later than 120 days after the selection of the corrective action remedy.

g. The owner or operator, or other person authorized to conduct closure, post-closure care, and corrective action activities, may request reimbursement from the trustee for these expenditures, including partial closure, as they are incurred. The owner or operator must submit to the department documentation of the justification for reimbursement and verification that reimbursement has been received.

h. After the pay-in period has been completed for a sanitary landfill, the trust fund shall be adjusted annually to correct any deficiency of the fund with respect to the updated cost estimates and may be adjusted annually should the balance in the fund exceed the updated cost estimates.

i. 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 division.

101.707(2) *Surety bond guaranteeing payment or performance.*

a. An owner or operator may demonstrate financial assurance for closure and post-closure 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 and all required submissions made to the department prior to the initial receipt of solid waste or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or, in the case of corrective action, no later than 120 days after the selection of the corrective action remedy. The owner or operator must submit to the department a copy of the executed surety bond and subsequent proof of continuance in accordance with 567—101.703(455B) through 567—101.706(455B). 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.

b. The penal sum of the bond must be in an amount at least equal to the amount specified in 567—101.710(455B) for closure, post-closure care, and corrective action, whichever is applicable.

c. 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 101.707(2)*"f."*

d. The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 101.707(1), except the requirements for initial payment and subsequent annual payments specified in 101.707(1)*"c"* through *"f."*

e. 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 authorized by the trustee pursuant to 101.707(1)*"g."*

f. Under the terms of the bond, the surety may cancel the bond 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 90 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 fund of a sum equal to the amount of the bond. If the owner or operator has not complied with this paragraph within the 90-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. The provision of funds by the issuer of the surety bond shall be considered an issuance of a loan to the owner or operator, and the terms of that loan shall be governed by the surety bond or subsequent agreement between those parties.

g. 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 division.

101.707(3) *Letter of credit.*

a. An owner or operator may demonstrate financial assurance for closure, post-closure care, and 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 and all required submissions made to the department prior to the initial receipt of solid waste or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or, in the case of corrective action, no later than 120 days after the selection of the corrective action remedy. The owner or operator must submit to the department a copy of the executed letter of credit, and subsequent proof of continuance in accordance with 567—101.703(455B) through 567—101.706(455B). The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

b. 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.

c. The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 101.707(1), except the requirements for initial payment and subsequent annual payments specified in 101.707(1)*"c"* through *"f."*

d. Payments made under the terms of the letter of credit will be deposited by the issuing institution directly into the standby trust fund. Payments from the trust fund must be authorized by the trustee pursuant to 101.707(1)*"g."*

e. 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 567—101.710(455B) for closure, post-closure care, and 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 90 days, provide to the department adequate proof of alternative financial assurance, notice from the issuing institution of withdrawal of the cancellation, or proof of a deposit into the standby trust fund of a sum equal to the amount of the letter of credit. If the owner or operator has not complied with this paragraph within the 90-day time period, this shall constitute a failure to perform and the department shall notify the issuer of the letter of credit, prior to the expiration of the

120-day notice period, that such a failure has occurred. 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.

f. 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 division.

101.707(4) *Insurance.*

a. An owner or operator may demonstrate financial assurance for closure and post-closure care, whichever is applicable, by obtaining insurance that conforms to the requirements of this subrule. The insurance must be effective and all required submissions made to the department prior to the initial receipt of solid waste or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care. 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 Iowa. The owner or operator must submit to the department a copy of the executed insurance policy and subsequent proof of continuance in accordance with 567—101.703(455B) through 567—101.706(455B).

b. The closure or post-closure care insurance policy must guarantee that funds will be available to close the sanitary disposal project whenever final closure occurs or to provide post-closure care for a sanitary landfill whenever the post-closure care period begins, whichever is applicable. The policy must also guarantee that once closure or post-closure 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 post-closure care, up to an amount equal to the face amount of the policy.

c. The insurance policy must be issued for a face amount at least equal to the amount specified in 567—101.710(455B) for closure and post-closure care, whichever is applicable. 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.

d. An owner or operator, or any other person authorized to conduct closure or post-closure care, may receive reimbursements for closure or post-closure care 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 post-closure care. The owner or operator must submit to the department documentation of the justification for reimbursement and verification that the reimbursement has been received.

e. 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.

f. 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 or operator and to the department 120 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 90 days, provide to the department adequate proof of alternative financial assurance, notice from the insurer of withdrawal of the cancellation, or proof of a deposit of a sum equal to the amount of the insurance coverage into either the closure and post-closure care account(s) established pursuant to Iowa Code section 455B.306(9)*"b"* or a standby trust fund that meets the requirements of 101.707(1), except the requirements for initial payment and subsequent annual payments specified in 101.707(1)*"c"* through *"f."* If the owner or operator has not complied with this paragraph within the 90-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 paragraph within the 90-day time period shall make the insurer liable for the closure and post-closure care of the covered facility up to the amount of the policy limits, which shall be equal to the most recently submitted cost estimates.

g. For insurance policies providing coverage for post-closure 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.

h. The owner or operator may cancel the insurance policy 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 division.

101.707(5) *Corporate financial test.* An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance for closure, post-closure care, and corrective action, whichever is applicable, up to the amount specified below.

a. Financial component. The owner or operator must satisfy the requirements of 101.707(5)*"a"*(1) through *"a"*(3) to meet the financial component of the corporate financial test.

(1) The owner or operator must satisfy one of the following three conditions.

1. 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;

2. A ratio of less than 1.5 comparing total liabilities to net worth (net worth calculations may not include future permitted capacity of a subject landfill as an asset); or

3. 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 a subject sanitary landfill) of the owner or operator must be greater than:

1. The sum of the current closure, post-closure care, and corrective action cost estimates, whichever is applicable, and any other environmental obligations, including guarantees covered by a financial test, except as provided in 101.707(5)*"a"*(2)"2." For sanitary landfill owners or operators, this sum shall include an additional $10 million.

2. For sanitary landfill owners or operators, a net worth of $10 million plus the amount of any guarantees that have not been recognized as liabilities on the financial statements, provided that all of the current closure, post-closure 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 subject to the approval of the department.

(3) The owner or operator must have located in the United States assets (excluding future permitted capacity of a subject sanitary landfill) amounting to at least the sum of current closure, post-closure care, and corrective action cost estimates, whichever is applicable, and any other environmental obligations covered by a financial test as described in 101.707(5)*"f."*

b. Recordkeeping and reporting requirements. The owner or operator must submit the following records to the department prior to the initial receipt of solid waste or before cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or no later than 120 days after the selection of the corrective action remedy.

(1) A letter signed by the owner's or operator's chief financial officer that:

1. Lists all the current cost estimates covered by a financial test, including but not limited to cost estimates required by 567—101.703(455B) through 567—101.706(455B); cost estimates required for municipal solid waste landfills pursuant to 40 CFR Part 258, if applicable; 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

2. Provides evidence demonstrating that the firm meets the conditions of 101.707(5)*"a."*

(2) A copy of the Iowa-licensed 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 Iowa-licensed certified public accountant. An adverse opinion or disclaimer of opinion shall be cause for disallowance of this instrument. 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 567—101.707(455B).

(3) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies 101.707(5)*"a"*(1)"2" or "3" that differs from data in the audited financial statements referred to in 101.707(5)*"b"*(2) or any other audited financial statement or data filed with the U.S. Securities and Exchange Commission, a special report from the owner's or operator's Iowa-licensed certified public accountant to the owner or operator. The special report shall be based on an agreed-upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the chief financial officer'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 chief financial officer's letter provides a demonstration that the owner or operator has assured for environmental obligations as provided in 101.707(5)*"a"*(2)"2," a report from the Iowa-licensed 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, that documents how these obligations have been measured and reported, and that verifies that the tangible net worth of the owner or operator is at least the amount of any guarantees provided. For sanitary landfill owners or operators, this sum shall include an additional $10 million.

c. Cease submission of information. The owner or operator may cease the submission of the information required by 101.707(5) 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 division.

d. Financial test. The owner or operator must satisfy the requirements of the financial test at the close of each fiscal year. If the owner or operator no longer meets the requirements of the corporate financial test, the owner or operator must immediately notify the department in writing and, within 90 days following the close of the owner's or operator's fiscal year, obtain alternative financial assurance that meets the requirements of 567—101.707(455B) and submit the financial assurance documentation to the department for approval.

e. Financial condition. The department may, based on a reasonable belief that the owner or operator may no longer meet the requirements of 101.707(5)*"a,"* require at any time the owner or operator to provide reports of its financial condition in addition to, or including, current financial test documentation as specified in 101.707(5)*"b."* If the department finds that the owner or operator no longer meets the requirements of 101.707(5)*"a,"* the owner or operator must provide alternative financial assurance that meets the requirements of 567—101.707(455B) within 90 days of written notification by the department.

f. Calculation of costs to be assured. When calculating the current cost estimates for closure, post-closure 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 101.707(5), the owner or operator must include cost estimates required for 567—101.703(455B) through 567—101.706(455B) and cost estimates required for the following environmental obligations, if the owner or operator assures them through a financial test: municipal solid waste landfills pursuant to 40 CFR Part 258; 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.

101.707(6) *Local government financial test.* An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance for closure, post-closure care, and corrective action, whichever is applicable, up to the amount specified below.

a. Financial component.

(1) The local government owner or operator must satisfy one of the following conditions.

1. 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

2. 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 for governments and have its financial statements audited by an Iowa-licensed 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 under 101.707(6) if it:

1. Is currently in default on any outstanding general obligation bonds;

2. Has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard & Poor's;

3. Operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

4. Receives an adverse opinion or disclaimer of opinion from the Iowa-licensed certified public accountant or office of the auditor of the state of Iowa auditing its financial statement as required under 101.707(6)*"a"*(2). 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 local government financial test, the owner or operator must provide alternative financial assurance that meets the requirements of 567—101.707(455B).

b. Public notice component. The local government owner or operator must include disclosure of the closure and post-closure care costs assured through the financial test in its next comprehensive annual financial report, prior to the initial receipt of solid waste or prior to cancellation of an alternative financial assurance instrument, whichever is later. Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years, if applicable. A reference to corrective action costs must be placed in the next comprehensive annual financial report after the selection of the corrective action remedy. 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 operating record until issuance of the next available comprehensive annual financial report if timing does not permit the reference to be incorporated into the most recently issued comprehensive annual financial report or budget. For closure and post-closure care costs at municipal solid waste sanitary landfills, conformance with Governmental Accounting Standards Board Statement 18 assures compliance with this public notice component.

c. Recordkeeping and reporting requirements.

(1) The local government owner or operator must submit to the department the following items.

1. 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 111.707(6)*"d,"* that provides evidence and certifies that the local government meets the conditions of 101.707(6)*"a"*(1) through *"a"*(3) and certifies that the local government meets the conditions of 101.707(6)*"b"* and *"d"*; and

2. The local government's independently audited year-end financial statements for the latest fiscal year, including the unqualified opinion of the auditor who must be an Iowa-licensed certified public accountant or the office of the auditor of the state of Iowa. The comprehensive annual financial report shall indicate compliance with the financial ratios required by 101.707(6)*"a"*(1)"2," if applicable, and the requirements of 101.707(6)*"a"*(2) and 101.707(6)*"a"*(3)"3" and "4."

(2) The items required in 101.707(6)*"c"*(1) must be submitted to the department prior to the initial receipt of solid waste or prior to the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or, in the case of corrective action, not later than 120 days after the selection of the corrective action remedy.

(3) The local government owner or operator may cease the submission of the information required by 101.707(6) 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 division.

(4) The local government owner or operator must satisfy the requirements of the financial test at the close of each fiscal year. If the owner or operator no longer meets the requirements of the local government financial test, the owner or operator must immediately notify the department in writing and, within 90 days following the close of the owner's or operator's fiscal year, obtain alternative financial assurance that meets the requirements of 567—101.707(455B) and submit the financial assurance documentation to the department for approval.

(5) The department may, based on a reasonable belief that the local government owner or operator may no longer meet the requirements of 101.707(6)*"a,"* require at any time the owner or operator to provide reports of its financial condition in addition to, or including, current financial test documentation as specified in 101.707(6)*"c."* If the department finds that the owner or operator no longer meets the requirements of 101.707(6)*"a,"* the owner or operator must provide alternative financial assurance that meets the requirements of 567—101.707(455B) within 90 days of written notification by the department.

d. Calculation of costs to be assured. The portion of the closure, post-closure care, and corrective action costs for 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, post-closure care, and corrective action costs that equal up to 43 percent of the local government's total annual revenue.

(2) If the local government owner or operator assures other environmental obligations through a financial test, including those associated with municipal solid waste landfills pursuant to 40 CFR Part 258; UIC facilities under 40 CFR Part 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, post-closure care, and corrective action costs it seeks to assure under this subrule. 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 101.707(6)*"d"*(1) and *"d"*(2).

101.707(7) *Corporate guarantee.* An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance for closure, post-closure care, and corrective action, whichever is applicable, by obtaining a written guarantee.

a. Affiliation. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a substantial business relationship with the owner or operator. The guarantor must meet the requirements of the corporate financial test in 101.707(5) and must comply with the terms of the written guarantee. A certified copy of the executed guarantee must be placed in the facility's operating record along with copies of the letter from the guarantor's chief financial officer and the independent certified public accountant's opinion(s). If the guarantor's parent corporation is also the parent

corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm 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.

b. Terms of the written guarantee. The guarantee must be effective and all required submissions made to the department prior to the initial receipt of solid waste or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or, in the case of corrective action, no later than 120 days after the selection of the corrective action remedy. The guarantee must provide that:

(1) If the owner or operator fails to perform closure, post-closure care, and 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 101.707(7)*"b"*(2) and *"b"*(3), the guarantor will:

1. Perform, or pay a third party to perform, closure, post-closure care, and corrective action as required (performance guarantee); or

2. Establish a fully funded trust fund as specified in 101.707(1) in the name of the owner or operator (payment guarantee).

(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 division 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 a deposit into a trust fund pursuant to 101.707(1) of a sum equal to the amount of the corporate guarantee. If the owner or operator fails to comply with the requirements of this subparagraph within the 90-day period, the guarantor must provide that alternative financial assurance prior to cancellation of the corporate guarantee.

c. Recordkeeping and reporting requirements.

(1) The owner or operator must submit to the department a certified copy of the executed guarantee along with the items required under 101.707(5)*"b."*

(2) The owner or operator shall no longer be required to submit the items specified in 101.707(7)*"c"*(1) when proof of alternative financial assurance has been submitted to the department or the owner or operator is no longer required to demonstrate financial responsibility in accordance with this division.

(3) If a corporate guarantor no longer meets the requirements of 101.707(5), the owner or operator must immediately notify the department in writing and, within 90 days of notification, submit to the department proof of alternative financial assurance. If the owner or operator fails to obtain alternative financial assurance within the 90-day time period, the guarantor must provide that alternative financial assurance within the next 30 days.

101.707(8) *Local government guarantee.* An owner or operator that satisfies the requirements of this subrule may demonstrate financial assurance for closure, post-closure care, and corrective action, whichever is applicable, 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.

a. Financial component. The guarantor must meet the requirements of the local government financial test in 101.707(6) and must comply with the terms of the written guarantee.

b. Terms of the written guarantee. The guarantee must be effective and all required submissions made to the department prior to the initial receipt of solid waste or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or, in the case of corrective action, no later than 120 days after the selection of the corrective action remedy. The guarantee must provide that:

(1) If the owner or operator fails to perform closure, post-closure care, and 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 101.707(8)*"b"*(2) and *"b"*(3), the guarantor will:

1. Perform, or pay a third party to perform, closure, post-closure care, and corrective action as required (performance guarantee); or

2. Establish a fully funded trust fund as specified in 101.707(1) in the name of the owner or operator (payment guarantee).

(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 division 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 a deposit into a trust fund pursuant to 101.707(1) of a sum equal to the amount of the local government guarantee. If the owner or operator fails to comply with the requirements of this subparagraph within the 90-day period, the guarantor must provide that alternative financial assurance prior to cancellation of the local government guarantee.

c. Recordkeeping and reporting requirements.

(1) The owner or operator must submit to the department a certified copy of the executed guarantee along with the items required under 101.707(6)*"c."*

(2) The owner or operator shall no longer be required to submit the items specified in 101.707(8)*"c"*(1) when proof of alternative financial assurance has been submitted to the department or the owner or operator is no longer required to demonstrate financial responsibility in accordance with this division.

(3) If a local government guarantor no longer meets the requirements of 101.707(6), the owner or operator must immediately notify the department in writing and, within 90 days of notification, 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.

101.707(9) *Local government dedicated fund.*

a. The owner or operator of a publicly owned sanitary disposal project, or local government serving as a guarantor, may demonstrate financial assurance for closure, post-closure care, and corrective action, whichever is applicable, by establishing a dedicated fund that conforms to the requirements of this subrule. The owner or operator must submit to the department a copy of the executed local government dedicated fund agreement.

b. The fund shall be dedicated by state constitutional provision or local government statute, charter, ordinance, resolution, or order to pay for closure, post-closure care and corrective action, whichever is applicable, arising from the operation of the sanitary disposal project, 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 instrument(s) that provides the remaining coverage.

c. For a local government dedicated fund used to demonstrate financial assurance for proper closure at a sanitary disposal project that is not sanitary landfill, there is no pay-in period as defined in 101.707(9)*"d."* Instead, the local government dedicated fund shall be in an amount equal to or greater than the amount specified in 101.703(3).

d. Payments into the local government dedicated fund must be made annually by the owner or operator over ten years or over the remaining permitted life of the sanitary landfill, whichever is shorter, in the case of a dedicated fund for closure and post-closure care or over one-half of the estimated length of the corrective action remedy in the case of a response to a known release. This period is referred to as the "pay-in period."

e. For a local government dedicated fund used to demonstrate financial assurance for closure and post-closure care at a sanitary landfill, the first payment into the dedicated fund must be at least equal to the amount specified in 567—101.710(455B) for closure and post-closure care, divided by the number of years in the pay-in period, as defined in 101.707(9)*"d."* The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{CE - B}{Y}$$

Where:

"CE" is the amount specified in 567—101.710(455B) for closure and post-closure care (updated for inflation or other changes).

"B" is the balance of the dedicated fund at the close of the previous fiscal year.

"Y" is the number of years remaining in the pay-in period.

f. Unless otherwise authorized by the department, for a local government dedicated fund used to demonstrate financial assurance for corrective action at a sanitary landfill, the first payment into the dedicated fund must be at least equal to one-half of the amount specified in 101.706(1) for corrective action, divided by the number of years in the corrective action pay-in period, as defined in 101.707(9)*"d."* The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \frac{RB - V}{Y}$$

Where:

"RB" is the most recent estimate of the required dedicated fund balance for corrective action.

"V" is the value of the dedicated fund at the close of the previous fiscal year.

"Y" is the number of years remaining in the pay-in period.

g. The initial payment into the local government dedicated fund must be made prior to the initial receipt of solid waste at a sanitary landfill or before the cancellation of an alternative financial assurance instrument, in the case of closure and post-closure care, or no later than 120 days after the selection of the corrective action remedy.

h. After the pay-in period has been completed for a sanitary landfill, the dedicated fund shall be adjusted annually to correct any deficiency of the dedicated fund with respect to the updated cost estimates and may be adjusted annually should the balance in the dedicated fund exceed the updated cost estimates.

i. The local government dedicated 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 division.

567—101.708(455B) General requirements.

101.708(1) *Use of multiple financial assurance instruments.* An owner or operator may satisfy the requirements of this division by establishing more than one financial assurance instrument per facility, except that instruments guaranteeing performance rather than payment may not be combined with other instruments. The instruments must be a combination of those instruments outlined in 567—101.707(455B) and 101.709(455B) and must provide financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and 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 if the two entities are consolidated.

101.708(2) *Use of one financial assurance instrument for multiple facilities.* An owner or operator may satisfy the requirements of this division for multiple sanitary disposal projects by the use of one instrument if the owner or operator ensures that the instrument provides financial assurance for an amount at least equal to the current cost estimates for closure, post-closure care, and corrective action, whichever is applicable, for all sanitary disposal projects covered. Evidence of financial

assurance submitted to the department shall include, for each sanitary disposal project, the name, address, and permit number and the amount of funds for closure, post-closure care, and corrective action assured by the instrument.

101.708(3) *Criteria.* The language of the financial assurance instruments listed in 567—101.707(455B) must ensure that the instruments satisfy the following criteria.

a. The financial assurance instrument must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action for known releases, whichever is applicable;

b. The financial assurance instrument must ensure that funds will be available in a timely fashion, not to exceed three months from department notification, when needed;

c. The financial assurance instrument must be obtained by the owner or operator prior to the initial receipt of solid waste, in the case of closure and post-closure care, or, in the case of corrective action, no later than 120 days after the selection of the corrective action remedy, until the owner or operator is released from the financial assurance requirements; and

d. The financial assurance instrument must be legally valid, binding, and enforceable under Iowa law.

101.708(4) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a sanitary disposal project pursuant to Iowa Code section 455B.305 until a financial assurance instrument(s) has been submitted to and approved by the department. The department may request that additional information be submitted for review to make a financial assurance compliance decision.

101.708(5) *Request for payment.* The department may request payment from any financial assurance provider for the purpose of completing site closure, post-closure care, and corrective action, whichever is applicable, when the owner or operator declares an economic inability to comply with this division either by sending written notification to the department or through an action such as but not limited to filing for bankruptcy.

101.708(6) *Financial assurance cancellation and permit suspension.*

a. A financial assurance instrument may be terminated by the owner or operator only if the owner or operator substitutes alternative financial assurance, as specified in 567—101.707(455B), prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this division.

b. A financial assurance instrument shall be continuous in nature until canceled by the financial assurance provider or until the department gives written notification to the owner or operator and the financial assurance provider that the covered site has demonstrated compliance with the sanitary disposal project's applicable closure, post-closure care, and corrective action requirements. The financial assurance provider shall give at least 120 days' notice in writing to the owner or operator and to the department in the event of any intent to cancel a financial assurance instrument.

c. Within 90 days of receipt of a written notice of cancellation of a financial assurance instrument, the owner or operator must provide the department with proof of alternative financial assurance or a notice from the issuing institution of withdrawal of the cancellation. If a means of continued financial assurance is not provided within the 90-day time frame, the department shall suspend the permit and call upon the financial assurance instrument(s) prior to the expiration of the 120-day notice period.

567—101.709(455B) Closure and post-closure care account(s). Except as provided in 101.709(10), the holder of a permit for a sanitary landfill shall maintain the closure and post-closure care account(s) as part of financial assurance pursuant to Iowa Code section 455B.306(9)*"b."* The accounts shall be specific to a particular facility.

101.709(1) Money in the accounts shall not be assigned for the benefit of creditors, except the state of Iowa.

101.709(2) Money 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.

101.709(3) Withdrawal of funds. Except as provided in 101.709(4), money in the accounts may be withdrawn without departmental approval only for the purpose of funding closure, including partial closure, or post-closure care activities that are in conformance with the sanitary landfill's approved closure and post-closure plans. Withdrawals for activities not in conformance with the approved closure and post-closure plans must receive prior written approval from the department. Permit holders using a trust fund established pursuant to 101.707(1) to satisfy the requirements of this rule must comply with the requirements of 101.707(1)*"g"* prior to withdrawal.

101.709(4) Excess funds. If the balance of the closure and post-closure care account(s) exceeds the current cost estimate for closure or post-closure care 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.

101.709(5) Proof of establishment of account. A permit holder shall, on a form prescribed by the department, at the time of permit application and renewal, submit a statement of account signed by the permit holder, which indicates that accounts have been established pursuant to 567—101.709(455B). Permit holders for new sanitary landfills permitted after [the effective date of this rule] shall submit to the department, prior to the initial receipt of solid waste, a statement of account signed by the permit holder.

101.709(6) An account established pursuant to 101.707(1) for a trust fund or 101.707(9) for a local government dedicated fund also satisfies the requirements of 567—101.709(455B), and the permit holder shall not be required to establish a closure and post-closure care account(s) in addition to said financial assurance accounts. Accounts established pursuant to 101.707(1) or 101.707(9), which are intended to satisfy the requirements of this rule, must comply with Iowa Code section 455B.306(9)*"b."*

101.709(7) Yearly deposits. Unless otherwise authorized by the department or provided for within this division (i.e., trust fund or local government dedicated fund deposit calculation), deposits into the closure and post-closure care account(s) shall be made yearly in the amount specified in this subrule by the close of the permitted facility's fiscal year. The closure and post-closure care account(s) shall be fully funded at the time of site closure. For active sanitary landfills not using a trust fund or local government dedicated fund, the minimum yearly deposit to the closure and post-closure care account(s) shall be determined using the following formula:

$$\frac{CE - AB}{RPC} \times TR = \text{Yearly Deposit}$$

Where:

"CE" is the current cost estimate of closure and post-closure care costs.

"AB" is the balance of the closure and post-closure care account(s) at the close of the previous fiscal year.

"RPC" is the remaining permitted capacity, in tons, of the sanitary landfill as of the start of the permit holder's fiscal year. RPC may include those areas that have yet to be constructed but have received written design approval from the department. Justification for RPC calculations shall be submitted annually pursuant to 567—101.704(455B) and 567—101.705(455B).

"TR" is the number of tons of solid waste disposed of at the site in the permit holder's prior fiscal year.

For closed landfills, the closure and post-closure care account(s) shall remain fully funded throughout the post-closure period. Any account balance deficiency shall be rectified by the end of the permitted facility's fiscal year in which the account balance deficiency was identified.

101.709(8) The closure and post-closure care account(s) may be commingled with other accounts so long as the amounts credited to each account balance are reported separately, pursuant to 101.704(1) and 101.705(1).

101.709(9) The department shall have full rights of access to all funds existing in a permitted facility's closure and post-closure care account(s), at the sole discretion of the department, if the permit holder fails to undertake closure and post-closure care 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 post-closure care activities at the site.

101.709(10) Pursuant to Iowa Code section 455B.306(12), a sanitary landfill owned by an electric generating facility and used exclusively for the disposal of coal combustion residual shall not be required to maintain a closure and post-closure care account(s) but may demonstrate financial assurance in accordance with this division by any of the instruments described in 567—101.707(455B) or by an alternative method acceptable to the department.

101.709(11) Pursuant to Iowa Code section 455B.306(9)*"b,"* an industrial sanitary landfill permitted pursuant to Division III of this chapter prior to [the effective date of this rule], and for which closure and post-closure accounts have not been established pursuant to 101.709(5), shall submit proof of establishment within six months of the [the effective date of this rule].

567—101.710(455B) Amount of required financial assurance. A financial assurance instrument established pursuant to and in compliance with 567—101.707(455B) or 567—101.709(455B), if applicable, shall be in the amount of the third-party cost estimates required by 567—101.703(455B) through 567—101.706(455B). With regard to sanitary landfills, the amount of 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 567—101.709(455B), 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—101.711(17A,455A) Waivers. A request for a waiver to this division shall be submitted to the department in writing pursuant to 561—Chapter 10. Some provisions of this division are minimum standards required by federal law (40 CFR Part 258, Subpart G), and waivers to such provisions shall not be granted unless they are as protective as the applicable minimum federal standard.

These rules are intended to implement Iowa Code sections 455B.304(8) and 455B.306(9).

ITEM 2. Rescind and reserve **567—Chapter 106**.

ITEM 3. Rescind and reserve **567—Chapter 113**.

ITEM 4. Rescind and reserve **567—Chapter 114**.

ITEM 5. Rescind and reserve **567—Chapter 115**.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 102, 108, 116 to 118, 120 to 122
"Solid Waste Management"

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

- Division I: 455D.9
- Division II: 455B.173 and 455B.304
- Division III: 455B.304, and 455B.383
- Division IV: 455B.304(19)
- Division V: 455D.11 and 455D.11I
- Division VI: 455B.304
- Division VII: 455D.6(4)
- Division VIII: 455D.6(5)

State or federal law(s) implemented by the rulemaking:

- Division I: Iowa Code section 455D.9
- Division II: Iowa Code sections 455B.173 and 455B.304
- Division III: Iowa Code sections 455B.301A, 455B.304, and 455B.383
- Division IV: Iowa Code section 455B.304(19)
- Division V: Iowa Code sections 455D.11, 455D.11A, 455D.11B, and 455D.11I
- Division VI: Iowa Code section 455B.304
- Division VII: Iowa Code section 455D.6(4)
- Division VIII: Iowa Code section 455D.6(5)

Public Hearing

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

October 7, 2025	Via videoconference call
3 p.m.	Contact: EO10_solidwaste@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at EO10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Sullivan, Supervisor
Solid Waste and Contaminated Sites Section
6200 Park Avenue, Suite 200
Des Moines, Iowa
Email: EO10_solidwaste@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 102 consolidates nine chapters related to the management of solid waste through means other than sanitary disposal projects. No new programs are being proposed. All the content from the original chapters has been revised for clarity and had obsolete, redundant, or unneeded language removed. The proposed chapter will contain the following eight divisions.

Division I—Organic Materials Compost Facilities: This repromulgation of current 567—Chapter 105 ensures that composting is done in a way that produces a usable final product, does not cause a nuisance for neighbors, and prevents contamination to surface and ground water. This new chapter proposes a tiered approach to composting, based on both volume and type of material being composted. This will allow some smaller compost facilities that currently have an individual permit to instead operate under a permit-by-rule. It will also allow some compost facilities to accept limited amounts of food waste that they are currently unable to accept.

Division II—Land Application of Waste: This repromulgation of current 567—Chapter 121 allows for industrial sludge and certain solid wastes to be applied to farmland as a means of disposal. The revised chapter provides clarity and omits unneeded language.

Division III—Landfarming of Petroleum Contaminated Soil: This repromulgation of current 567—Chapter 120 establishes rules for the safe and effective remediation and disposal of petroleum contaminated soil (PCS) through landfarming.

Division IV—Beneficial Use: This repromulgation of current 567—Chapter 108 encourages the use of solid by-products when such utilization improves, or at a minimum does not adversely affect, human health and the environment. Regulations for solid by-products utilized in the manufacture of a commercial product will not be repromulgated since they are considered a raw commodity used in a manufacturing process for which the Environmental Protection Commission has no regulatory oversight.

Division V—Waste Tire Management: This repromulgation of current 567—Chapters 116 and 117 establishes guidelines for the proper management of waste tires, including collection, hauling, storage, processing, disposal, and beneficial reuse of waste tires and processed waste tire materials.

Division VI—Special Waste Authorizations: This repromulgation of current 567—Chapter 109 provides safe and proper management for disposal of wastes that present a threat to human health or the environment or waste with inherent properties that make the disposal of the waste in a municipal solid waste landfill difficult to manage.

Division VII—Discarded Appliance Demanufacturing: This repromulgation of current 567—Chapter 118 ensures that hazardous materials found in appliances are managed in a way that protects human health and the environment when the appliances are recycled or discarded.

Division VIII—Cathode Ray Tube Recycling: This repromulgation of current 567—Chapter 122 implements rules for the recycling of discarded cathode ray tubes (CRTs) and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There will be no increase in costs due to the proposed rulemaking. All costs incurred to comply with this chapter are borne by the permit applicant and not the public. Costs to the permit applicant are project-specific.

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

This chapter benefits all Iowans by protecting human health and the environment and providing for the safe and efficient management of solid waste through means other than disposal in a sanitary landfill. The public also benefits from having options for managing waste besides sanitary landfill disposal. Changes to the composting rules in Division I will benefit some smaller compost facilities that currently have a permit by allowing permit-by-rule, which has a lower level of regulations. It will also allow some compost facilities to accept limited amounts of food waste that they are currently unable to accept.

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

- **Quantitative description of impact:**

Costs to the permit applicant are project-specific and not easily definable. It is important to note that other than Division V, which has fees established in statute, there are no permitting fees associated with this chapter.

- **Qualitative description of impact:**

In comparison to the current rules, the rules in the proposed chapter have been reviewed and revised consistent with Executive Order 10, which has resulted in consolidation of multiple significant redundant requirements, provided for better organization of the rules, and dramatically reduced the size of the rules. Changes to the compost regulations will result in a cost savings for some facilities. Because the other divisions had no substantive changes to the rules, there are no anticipated cost increases associated with this rulemaking.

3. **Costs to the State:**

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

No change to State costs is expected. Costs to the Department are within the confines of current funding sources and are attributed to staff time in administration and enforcement. The Department issues permits, conducts inspections, and reviews reports to ensure projects meet the applicable requirements.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated. Of the eight divisions, only Division V, Waste Tire Management, has fees. These fees are established in statute and will not change.

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

These regulations prevent release of hazardous materials to the environment from the mismanagement of various types of solid waste when being managed by means other than sanitary landfill disposal. Therefore, inaction would remove the current protections of human health and the environment that Iowans expect.

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

Each type of solid waste management in this chapter is required by statute to have administrative rules. Further, the rules were reviewed and revised consistent with Executive Order 10.

6. **Alternative methods considered by the agency:**

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

No other methods were considered.

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

Regulation of each of the specific types of solid waste management in this proposed chapter is required by the Iowa Code. Further, the rules were reviewed and revised consistent with Executive Order 10. The proposed rulemaking provides a streamlined and up-to-date format compared to the previous format.

Small Business Impact

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

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

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

The proposed compost rules provide a tiered approach with fewer requirements and reporting for facilities composting a smaller volume and feedstocks that are easier to manage. For the other methods of solid waste management, it is not feasible or legal to have different requirements based on the size of the business.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 102 and adopt the following **new** chapter in lieu thereof:

CHAPTER 102
SOLID WASTE MANAGEMENT

DIVISION I
ORGANIC MATERIALS COMPOSTING FACILITIES

567—102.1(455D) Applicability; compliance. This division shall apply to the composting of organic material, including yard wastes. Composting facilities may include turned windrows, aerated static piles, aerated in-vessel systems, or other methods approved by the department. This division does not apply to agricultural waste composted under 567—Chapter 65, materials managed under Iowa Code chapter 200A (bulk dry animal nutrient products), or to the sale or distribution of finished compost covered in Iowa Code chapter 200.

102.1(1) Compliance with this division in no way relieves the compost facility of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.1(2) For purposes of this division, tonnages may be calculated by multiplying cubic yardage by bulk density.

102.1(3) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.2(455D) Definitions incorporated by reference. The definitions in Iowa Code sections 455B.301 and 455D.9 and in 567—Chapter 100 shall apply to Division I of this chapter.

567—102.3(455D) Feedstock categories. Compost feedstock are categorized as follows.

102.3(1) *Type A feedstocks.* Type A feedstocks include yard waste, clean wood waste, crop residues, and other vegetative materials determined to pose a low level of risk to human health and the environment, including from physical contaminants and human pathogens.

102.3(2) *Type B feedstocks.* Type B feedstocks include source-separated pre- and postconsumer food residuals; food processing residuals; dead animals; raw rendering material; certified compostable products; and animal excreta, manure, animal bedding and litter not regulated under 567—Chapter 65. Type B feedstocks are materials that the department determines pose a moderate level of risk to human health and the environment or have a higher level of risk from physical contaminants and human pathogens compared to Type A feedstocks.

102.3(3) *Type C feedstocks.* Type C feedstocks include industrial process waste, sludges, biosolids, diapers, solid or semi-solid material from composting toilets, and industrial by-products not covered in Type B feedstocks. Type C feedstocks consist of materials the department determines pose a higher level of risk to human health and the environment from physical and chemical contaminants and human pathogens compared to Type A and B feedstocks.

102.3(4) *Materials prohibited from use as a feedstock.* Materials prohibited from use as a feedstock include asbestos-containing material, biomedical wastes, infectious waste, human remains, petroleum-containing wastes, seed treated with pesticide and industrial waste derived from seed treated with pesticides, toxic wastes as defined in 567—109.3(455B,455D), radiological wastes, hazardous wastes as defined in Iowa Code section 455B.411, materials containing metals that exceed the concentrations listed in 102.9(5)*"b,"* and materials that have direct process stream contact with or originate from a process that may release petroleum products, organic solvents, pesticides, or polychlorinated biphenyls (PCBs).

567—102.4(455D) Exemptions. The following activities are exempt from this division. This exemption is not a defense to a nuisance action brought pursuant to Iowa Code chapter 657.

102.4(1) Type A or Type B, or both, feedstocks from a single household composted on site by the owner or tenant for use at the owner's or tenant's residence.

102.4(2) Composting of up to two tons per year of Type A or Type B, or both, feedstocks, excluding dead animals, singly or in combination, used on the same premises where it was composted. The feedstock may be generated off premises.

102.4(3) Composting of agricultural waste that is subject to 567—Chapter 65 combined with clean wood waste, straw, or cornstalks that is necessary as a bulking agent and that is free of coatings and preservatives. If agricultural waste is mixed with other wastes, including dead animals for the purpose of composting, then this division shall apply.

567—102.5(455D) General requirements for all composting activities not exempt. Any composting facility that is not exempt under 567—102.4(455D) must comply with the following provisions.

102.5(1) *Siting requirements.*

a. The composting facility shall be located:

(1) At least 500 feet from any existing inhabited residence, not including the residence of a person owning or operating the compost facility, at the time the permit application was received by the department.

(2) At least 200 feet from public wells.

(3) At least 100 feet from private wells.

(4) At least 50 feet from property lines.

(5) At least 100 feet from flowing or intermittent streams, lakes, or ponds.

(6) Outside of wetlands.

b. Composting done within a 100-year floodplain shall be in accordance with all local and department regulations, including 567—71.5(455B). Sediment ponds, engineered wetlands, or other constructed waterways for the purpose of pollution control are excluded from this subrule.

102.5(2) *Design requirements.*

a. Water shall be prevented from running onto the composting facility from adjacent land.

b. Management or disposal of contact water and stormwater shall be in accordance with 567—Chapter 60.

c. Composting facilities shall be designed, constructed, and maintained so as to minimize ponding of water or liquids. Any ponding that does occur shall be corrected through routine facility maintenance within 48 hours after the termination of the event causing the ponding.

d. Composting not done in-vessel shall be done on a surface that will permit accessibility during periods of inclement weather. The receiving, processing, production, and curing shall take place on a surface of asphalt, concrete, compacted granular aggregate, clay, or similar relatively impermeable material. Composting facilities that only compost Type A feedstocks may have a surface of compacted soil. The surface must be maintained in a condition that prevents infiltration to the groundwater.

e. In-vessel composting shall be done in a container that does not leak, prevents access by vectors, and provides adequate aeration.

f. With the exception of in-vessel composting, the high-water table shall be at least 12 inches below the ground surface.

102.5(3) *Signage.* Composting facilities shall have a sign posted at the entrance specifying:

a. Name of operation.

b. A list of materials that are accepted or the statement, "All materials must be approved prior to acceptance."

c. Telephone number of emergency contact person.

102.5(4) *Operational requirements.* Composting facilities shall be operated as follows.

a. Aerobic conditions shall be maintained.

b. Composting facilities shall be free of unsecured trash at the end of each operating day.

c. Non-compostable waste shall be removed or stored in a container or containment area and recycled or disposed of at a permitted sanitary disposal project.

d. Organic materials shall be managed to minimize odors, dust, noise, litter, contact water, fire and scavenging by vectors.

e. Composting shall be performed in a manner that minimizes the formation of contact water.

f. Storage of cured compost shall be limited to 18 months unless prior written approval from the department is granted for an extension.

g. Compost shall not be applied to land, sold, or given away unless all of the following conditions are met:

(1) Concentration of human-made inert materials such as glass, metal, and plastic is less than 1.5 percent by dry weight,

(2) The size of any human-made inert materials is less than 13 mm (0.512 inches).

567—102.6(455D) Tier 1 composting facility. A Tier 1 facility is a compost facility that composts an unlimited amount of Type A, Type B, or both feedstocks generated on the premises and up to a total of 250 tons per year of Type A, Type B, or both feedstocks generated off site.

567—102.7(455D) Tier 2 composting facility. A Tier 2 facility is a compost facility that composts an unlimited amount of Type A feedstock generated on premises, off premises, or both; an unlimited amount of Type B feedstocks generated on the premises; and up to 250 tons per year of Type B feedstocks generated off the premises. Tier 2 facilities are subject to the following provisions.

102.7(1) Before the composting facility commences operation, the facility's operator must notify the department in writing of the following:

a. The location of the composting facility.

b. The legal description of the property that contains the facility.

c. The landowner's name, telephone number, email and mailing address.

d. The name, telephone number, and email and mailing addresses of the facility's operator and responsible official.

e. The maximum throughput and capacity of the facility.

f. The method of composting to be employed at the facility.

g. The source of the feedstock.

h. Aerial photography identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

102.7(2) The facility's feedstock receiving, processing, and storage areas must be clearly defined.

102.7(3) An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The annual report shall be submitted using a form prescribed by the department. The report shall include:

a. Confirm that the amount and type of feedstock accepted was within the criteria for a Tier 2 facility.

b. Method of composting used.

c. Tons of finished compost sold, given away, or used by the permit holder.

d. Name of certified operator

102.7(4) Beginning [one year following the effective date of this rule], the person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D).

567—102.8(455D) Tier 3 composting facilities. A Tier 3 composting facility is a compost facility that composts an unlimited amount of Type A feedstock generated on or off the premises, an unlimited amount of type B feedstock generated on the premises, and up to 1,000 tons per year type B feedstock generated off premises. Tier 3 facilities shall comply with the following provisions.

102.8(1) *Notification.* Before the composting facility commences operation, the department shall be notified in writing of the following.

a. The location of the composting facility.

b. Legal description of the facility.

c. Landowner's name, telephone number, email, and mailing address.

d. Responsible party's name, telephone number, email, and mailing address.

e. Maximum throughput and capacity.

f. Method of composting to be employed.

g. Source of the feedstock.

h. Aerial photograph identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

102.8(2) *Operational requirements.* In addition to the operational requirements in 102.5(4), Tier 3 composting facilities shall meet the following operational standards:

a. Tier 3 composting facilities must develop and follow an operations plan that describes operational procedures. This includes the method of composting; measures to control nuisance odors, vectors, fires, contact water, and stormwater; and plans for using or marketing finished compost. The operations plan must be reviewed annually and updated when there is a change to procedures, equipment, or feedstocks being processed. The operations plan shall be available to the department upon request.

b. The person responsible for daily operation of the facility shall be certified by a department-approved training program.

c. Feedstocks with free liquid shall be mixed with drier feedstocks, bulking material, or compost so that the liquid is promptly absorbed and not allowed to flow as free liquid from the compost piles or windrows. Free liquid that is not absorbed shall be managed as contact water.

d. Contact water shall be directed to a containment, recycling, treatment system, or any combination of the three.

e. By the end of each operating day, all incoming Type B feedstocks must be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

f. Beginning [one year following the effective date of this rule], the person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D).

102.8(3) *Reporting.* An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The report shall be submitted using a form prescribed by the department. The report shall include:

a. Confirmation that the amount and type of feedstock accepted was within the criteria for a Tier 3 facility.

b. Method of composting used.

c. Tons of finished compost sold, given away or used by the permit holder.

d. Name of certified operator.

567—102.9(455D) Tier 4 composting facility. A Tier 4 composting facility is a compost facility that composts any amount of Type A, B, and C feedstock. Tier 4 facilities shall comply with the provisions of this rule.

102.9(1) *Permit required.* Tier 4 composting facilities shall not be operated without a permit from the department as described in 567—subrule 100.4(2). A permit application shall be on a form prescribed by the department and include the following in addition to the requirements in 567—subrule 100.5(1):

a. Aerial photography identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

b. Design documents prepared by an Iowa-licensed professional engineer that include the following:

(1) Dimensions, details, and capacities of the proposed receiving, processing, production, curing, and storage areas, as well as the contact water containment, recycling, or treatment system.

(2) Design calculations justifying the size of the composting area for the volume of material to be composted.

(3) Design plans showing compliance with design requirements in 102.9(3).

c. A stormwater management plan that prevents run-on to the operating base, as well as controls outside of the operating base for a 25-year 24-hour storm event.

d. A flow diagram of all steps in the operational procedure.

e. An operations plan addressing the following:

(1) The method of composting, including description of the aeration method and the aeration frequency to be used to maintain aerobic conditions.

(2) The duration of composting with a time frame for receiving, processing, production, curing, and storage.

(3) A description of storage of feedstock, including quantity and types.

(4) A description of the methods to minimize and manage odors, dust, vectors, noise, and litter.

(5) A description of the specific procedures to be followed in case of equipment breakdown, maintenance downtime, and fire in equipment, composting material, or buildings, including methods to be used to remove or dispose of accumulated waste and burned or damaged material.

(6) Plans for using or marketing the finished compost.

(7) The method(s) of managing collected contact water.

(8) The method(s) of maintaining contact water management systems to maintain design volume.

(9) The description of the monitoring, sampling, and analysis procedures and schedule for testing the composting, including sampling frequency, sample size and number, and sample locations.

f. A closure plan containing a description of the steps necessary to close the facility in compliance with 567—100.10(455B, 455D).

g. Documentation that the person responsible for daily operation of the facility is certified by a department-approved program.

102.9(2) *Design requirements.* In addition to the requirements of 102.5(2), Tier 4 composting facilities shall comply with the following.

a. All operations shall take place on a foundation that will permit accessibility during periods of inclement weather. The foundation shall be maintained and repaired, as needed.

b. A base/foundation used for receiving, processing, and production of feedstock must meet the following minimum design standards.

(1) The base must support the load of the equipment, vehicles, materials, and all operations for the duration of the permit period.

(2) The base must have sufficient slope to prevent surface ponding and to transmit contact water to a containment structure to prevent liquids from entering surface water or groundwater.

(3) The base must be protected with a wearing surface consisting of asphalt, concrete, compacted granular aggregate, or similar relatively impermeable material and underlain by a liner consisting of a minimum of 12 inches of recompacted clay or other approved material with a hydraulic conductivity of 1×10^{-5} cm/sec or less. The bottom of the liner shall be at least 12 inches above the high-water table.

c. The containment structure for contact water shall include a liner system consisting of a minimum of 12 inches of recompacted clay or other approved material with a hydraulic conductivity of 1×10^{-7} cm/sec or less. The bottom of the liner shall be at least five feet above the high-water table.

d. The design of the facility shall include specifications for documentation of quality control and assurance that the construction meets the minimum design standards.

e. Composting facilities permitted by the department prior to [the effective date of this rule] shall submit a compliance plan on or before [one year following the effective date of this rule] that includes a schedule to verify compliance or obtain compliance with this subrule no later than [five years following the effective date of this rule].

f. The department may approve alternatives to these design requirements that provides the same level of environmental protection.

102.9(3) *Operating requirements.* In addition, the requirements of 567—102.4(455D), Tier 4 composting facilities shall comply with the following.

a. Access to the facility shall be limited as follows.

(1) Access to the facility shall be restricted with a lockable gate at the entrance to the facility and perimeter access controlled by a fence or natural barrier approved by the department.

(2) Access to the facility shall be allowed only when an employee, agent, or representative of the facility is on duty.

(3) Emergency access to the facility shall be provided. Fire lanes shall be maintained to provide access for firefighting equipment.

b. All putrescible materials received must be incorporated into the composting process within 24 hours of receipt, unless storage of these materials is specified in the operations plan and authorized in the permit.

c. Compost processing time and temperatures shall meet Process to Further Reduce Pathogens (PFRP) requirements in B.1 of 40 CFR Part 503, Appendix B, and produce compost that meets the stability necessary for the intended use. Unless otherwise proposed in the operating plan and authorized in the permit, the permit holder shall test, at a minimum:

(1) Twice weekly temperature readings of compost piles, batches, and windrows.

(2) Weekly moisture levels of compost piles, batches, and windrows.

d. Contact water shall be directed to a containment, recycling, or treatment system that prevents prohibited discharges to the stormwater system or a surface water. A containment system shall have a minimum of one foot of freeboard at all times.

e. The person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D). The department may require as a condition in the permit that a facility retain a certified compost operator during all regular operational hours.

f. A visual inspection of the facility shall be conducted and documented on a quarterly basis at a minimum. If deficiencies are discovered during the visual inspection, actions taken to correct the deficiency shall be documented. The inspection shall at a minimum include the following.

(1) The condition of the pad. Portions of the pad that are under windrows or piles of curing or finished compost are not required to be inspected.

(2) Verification that ponding is not occurring on the pad.

(3) Verification that contact water is being directed to a containment, recycling, or treatment system and not discharging to the stormwater system or to surface water.

(4) The remaining capacity, amount of freeboard, and general condition of the contact water basin.

(5) The condition of containers and aeration equipment used for in-vessel composting if applicable.

102.9(4) *Product testing.* Prior to the use or sale, finished compost must be sampled and measurements taken for the purpose of product testing in a manner that is representative of the composting activity and consistent with Test Methods for Examination of Composting and Compost (TMECC) (2026) or other applicable standards approved by the department in the permit. Contaminants within finished compost must comply with the following:

a. The density of fecal coliform bacteria shall be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis) or the density of Salmonella sp. bacteria in compost shall be less than three MPN per four grams of total solids (dry weight basis).

b. The concentrations of all metals shall be less than the following:

Metal	Concentration mg/kg dry weight
Arsenic (As)	41
Cadmium (Cd)	39
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

c. Compost shall be tested for stability using one of the methods listed in TMECC 5.08 (2026), Respirometry, or another method approved by the department in the permit.

102.9(5) *Recordkeeping requirements.* The following records shall be maintained by the facility for a period of three years, kept at the facility at all times, and submitted to the department upon request:

a. Analytical results described in 102.9(5).

b. Types and weight of compostable materials and bulking agent, in tons, accepted at the facility annually.

c. Weight of compost, in tons, removed from the facility annually.

d. A copy of the operations plan, the permit and annual reports.

e. Documentation of the volumes and dates of treatment, recycling, or disposal of unused contact water.

f. Documentation of visual inspections conducted pursuant to 102.9(4)*"f."*

102.9(6) *Reporting requirements.* An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The report shall be submitted using a form prescribed by the department and include the following:

a. Tons of type A feedstock received.
b. Tons of type B feedstock received.
c. Tons of type C feedstock received.
d. Tons of finished compost sold, given away or used by permit holder.
e. Method of composting.
f. Name of certified operator.
g. Copy of the most recent results of the testing required in 102.9(4).

102.9(7) *Closure requirements.*

a. A schedule to implement the closure plan in 102.9(2)*"f"* shall be submitted to the department at least 30 days prior to the proposed termination date for the facility. If needed, a request to modify the closure plan may be submitted at the same time.

b. Unless an alternative schedule is approved by the department, within six months of the facility's ceasing operation, the facility shall properly dispose of all organic material, solid waste, and litter and remove all finished compost from the premises.

567—102.10(455D) Financial assurance. Tier 4 composting facilities must obtain and submit a financial assurance instrument to the department. The financial assurance instrument shall provide monetary funds to properly dispose of any preprocessed and postprocessed materials that remain at a facility due to the owner's or operator's failure to properly close the site according to the schedule approved be the department in 102.9(9)*"a"* or within six months of permit suspension, termination, revocation, or expiration if no alternative schedule is approved.

102.10(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator until a financial assurance instrument has been submitted to and approved by the department.

102.10(2) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted to the department at the time of application for a permit for a new composting facility. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal until released from this requirement by the department.

102.10(3) *Use of one financial assurance instrument for multiple permitted activities.* Composting facilities required to maintain financial assurance pursuant to any other provisions of 567—Chapters 100 through 102 may satisfy the requirements of this rule by the use of one financial assurance instrument listed in 102.10(5).

102.10(4) *Financial assurance amounts required.* The estimate submitted to the department must be certified by an Iowa-licensed professional engineer and must account for at least the following factors determined by the department to be minimal necessary costs for closure:

a. Transportation costs, which include the cost to load the material, and total tip fees to properly dispose of the maximum tonnage of received materials that could be managed and stockpiled by the compost facility. Also included shall be the costs of properly removing any wastewater held at the facility.

b. The costs for maintaining financial assurance pursuant to any other provisions of 567—Chapters 100 through 123, if any, in accordance with 102.10(3).

102.10(5) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.10(4) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. The language of the financial assurance instrument shall meet the criteria in 567—subrule 101.708(3). Financial assurance shall be provided by one of the following options:

a. Trust fund pursuant to 567—subrule 101.707(1).
b. Surety bond, pursuant to 567—subrule 101.707(2).
c. Letter of credit, pursuant to 567—subrule 101.707(3).

d. Corporate guarantee pursuant to 567—subrule 101.707(7).
e. Local government guarantee pursuant to 567—subrule 101.707(8).
f. Local government dedicated fund pursuant to 567—subrule 101.707(9).

567—102.11(455D) Compost operator certification.

102.11(1) *General requirements.* To become a certified compost facility operator, an individual shall complete a compost operator training course that has been approved by the department, then apply for certification by the department. An operator certified by another state may have reciprocity subject to approval by the department.

102.11(2) *Course approval.* To be approved by the department, an operator training course for a certified compost facility operator must have at least 24 contact hours and must address the following areas at a minimum:

a. Basic principles of composting and decomposition.
b. Composting methods.
c. Site design and equipment.
d. Characteristics of various types of feedstocks and recipe development.
e. Construction of windrows or piles.
f. Monitoring and troubleshooting.
g. Uses and markets for compost.
h. Applicable laws and regulations.

102.11(3) *Form.* Applications for certification shall be made on a form prescribed by the department.

102.11(4) *Duration and renewal of certification.* The department shall issue all compost operator certifications on a three-year cycle. This rule shall take effect relative solely to certifications on July 1, 2026, and a new cycle shall start at that time. The department may issue a certification at any time during a three-year cycle. Certificates are valid through the expiration date listed on the certification, which shall be the end of the most current cycle.

a. An application for renewal is due prior to expiration of certification. If a certificate holder fails to apply for renewal within 30 days following expiration of the certificate, the applicant must then apply for a new certification in accordance with 102.11(1).

b. To renew a certification, a certified operator must earn eight contact hours during each three-year period, except that a first-time certified operator is not required to earn contact hours prior to the first renewal of the certification. The certificates of operators not fulfilling the continuing education requirements will be void 30 days after the expiration date.

c. All activities for which contact hours will be granted must be related to compost and pre-approved by the department.

d. The certified operator is responsible for submitting an application for renewal that includes documentation of the contact hours completed during the renewal period.

e. 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 contact hour requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator that prevent attendance at the required activities. All requests for extensions must be made prior to expiration of certification.

f. The deadline to apply for renewal and to fulfill continuing education requirements under this rule shall automatically be extended a length of time equal to any period in which the operator served honorably on active duty in military service within the three-year renewal cycle.

567—102.12(455D) Temporary operation without a certified operator. Notwithstanding any other provision of these rules, the department in its sole discretion may authorize, in writing, a facility to temporarily operate without a certified operator for a period of six months when a certified operator is

no longer available to the facility. The facility must make a request in writing to the department, explaining why a temporary authorization is needed and identify the efforts that will be made to obtain a certified operator.

These rules are intended to implement Iowa Code section 455D.9.

567—102.13 to **102.99** Reserved.

DIVISION II
LAND APPLICATION OF WASTE

567—102.100(455B,17A) Purpose; applicability; compliance. This chapter shall apply to the land application of solid waste and industrial sludge, except as follows. It does not apply to sewage or other wastewater regulated by 567—Chapters 60 through 64, domestic septage, sewage sludge, animal manure, animal bedding, crop residue, waste registered as a fertilizer or soil conditioner with the Iowa department of agriculture and land stewardship (IDALS), waste registered as a liming agent with IDALS, or finished compost.

567—102.101(455B) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall apply to this division.

567—102.102(455B) Land application of water supply sludge.

102.102(1) Sludges generated from water supply treatment may be applied to lawns, gardens, flower beds, or similar areas associated with residential use and crops that may be consumed by humans without prior heating or processing that are commonly available to the public in raw form (e.g., sweetcorn, lettuce, carrots asparagus, squash).

102.102(2) Land application of sludges generated from water supply treatment are exempt from the remainder of this division.

567—102.103(455B) Waste eligible for land application. Material must conform with the following to land applied pursuant to this division.

102.103(1) The material must either meet the definition of solid waste or be a sludge resulting from commercial or industrial wastewater treatment, water supply treatment, or air pollution control facility.

102.103(2) The waste shall not contain constituents in excess of the levels specified below measured on a dry weight basis.

Constituents	Levels	Cumulative Loading Rate	
Arsenic	41 mg/kg	41 kg/ha	36 lb/ac
Cadmium	39 mg/kg	39 kg/ha	34 lb/ac
Chromium	1200 mg/kg	3000 kg/ha	2670 lb/ac
Copper	1500 mg/kg	1500 kg/ha	1335 lb/ac
Lead	300 mg/kg	300 kg/ha	267 lb/ac
Mercury	17 mg/kg	17 kg/ha	15 lb/ac
Molybdenum	75 mg/kg	75 kg/ha	66 lb/ac
Nickel	420 mg/kg	420 kg/ha	373 lb/ac
Selenium	36 mg/kg	100 kg/ha	89 lb/ac
Zinc	2800 mg/kg	2800 kg/ha	2490 lb/ac

102.103(3) If the waste has other toxic constituents, the toxic constituents shall not be in excess of levels where there is a threat to human, animal, or plant life as determined by the department.

102.103(4) The waste does not have a sodium absorption ratio in excess of levels where there is a threat to plant life. If high sodium absorption ratios are suspected, analytical testing may be required.

102.103(5) If the waste contains pathogens, the waste must be treated to reduce pathogen content by methods specified in 567—Chapter 67 prior to land application.

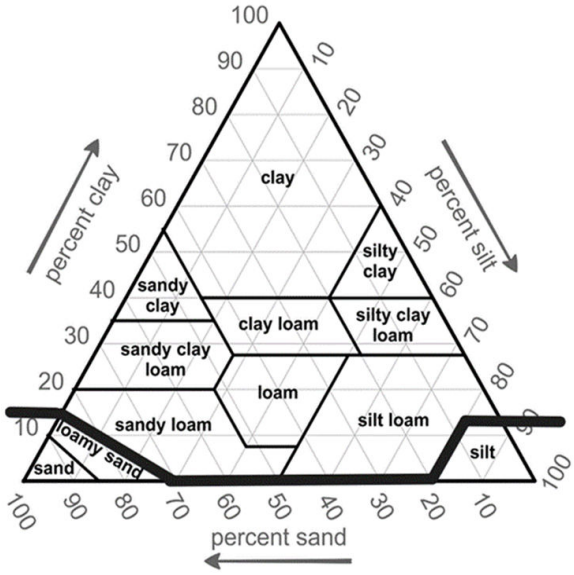
102.103(6) The waste shall not have direct process stream contact with or originate from a process that may release the following organic compounds.

a. Petroleum products,
b. Organic solvents,
c. Pesticides,
d. Pharmaceuticals,
e. Polychlorinated biphenyls (PCBs).

102.103(7) The waste assimilates and would not be readily present in a visual analysis of a random sample collected two years following application.

567—102.104(455B) Application site restrictions.

102.104(1) The waste shall not be applied to soils classified as sand, loamy sand, or silt on the United States Department of Agriculture (USDA) textural classification chart, 1951 Soil Survey Manual, USDA Handbook No. 18.



USDA textural classification chart. Sand size particles, 2-0.05 mm;
silt-sized particles, 0.05-.002 mm; and clay sized particles, less than .002 mm.

102.104(2) Land application sites shall have soil pH maintained above 6.0 unless otherwise specified in a permit. If the soil pH is below these levels, it is acceptable to use agricultural lime to increase the pH to an acceptable level prior to land application of sludge.

102.104(3) The waste shall not be applied to ground having greater than 9 percent slope unless specific permit conditions specify otherwise.

102.104(4) If the waste is applied to land subject to flooding more frequently than once in ten years, the waste shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours.

102.104(5) Application on frozen or snow-covered ground shall be limited to areas of less than 5 percent slope unless specific permit conditions specify otherwise.

102.104(6) Waste shall not be applied within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

102.104(7) Waste shall not be applied to land used for growing crops that may be consumed by humans without prior heating or processing or those that are commonly available to the public in raw form unless crops grown on the land are not harvested for at least 14 months following land application.

102.104(8) A site shall not be used for land application of waste from more than one generator in the same growing season or for a spring land application after land application the previous fall.

567—102.105(455B) Operating requirements. All land application projects shall be operated as follows.

102.105(1) If solid waste is applied within 200 feet of a stream, lake, sinkhole, or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

102.105(2) If waste is applied to land where crops being grown will be grazed by or fed to livestock within two months of waste application, or where cereal grains will be harvested within two months of waste application, the waste shall be injected or shall be applied to the surface and mechanically incorporated into the soil unless specific permit conditions specify otherwise. The general public shall not be given access to the disposal site during waste disposal and for a minimum of two months after waste disposal operations have ceased.

102.105(3) If the waste is putrescible, it shall be injected or mechanically incorporated within 24 hours or otherwise managed to prevent runoff and odor problems.

102.105(4) Land application shall not take place during or immediately preceding expected rains or other occasions when runoff may result unless subsurface injection methods are utilized. Additionally, land application shall not take place during periods of high groundwater conditions or during flooding.

102.105(5) The application of nitrogen available from the waste and any other sources shall not exceed the acceptable agronomic application rates for the vegetation to be grown on the site over the next year. The total application of phosphorus and potassium shall not exceed the acceptable agronomic application rates for the site and crops involved.

102.105(6) Waste may be staged prior to application at the application site pursuant to the following.

a. Putrescible waste shall not be staged for more than 48 hours.

b. Non-putrescible waste shall not be staged for longer than two weeks.

c. Waste shall not be staged within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

d. The waste shall not be staged on soils classified as sand, loamy sand, or silt on the USDA textural classification chart shown in 567—subrule 102.104(6).

e. Runoff from the waste must be controlled at all times.

f. If weather or extenuating circumstances prevent application from taking place, the generator must notify the department.

102.105(7) When waste is supplied to other persons for land application, the generating facility shall do the following:

a. Inform the recipient of the applicable requirements of the waste disposal program.

b. If the generating facility determines that the recipient is not complying with applicable requirements of the waste disposal program or the land application criteria, the generating facility shall work with the recipient to obtain compliance with the requirements. If subsequent compliance cannot be achieved, the generating facility shall not supply additional waste to the person.

c. Inform all persons involved in waste disposal operations of the potential health hazards associated with waste disposal, including informing them of the cautions and recommended practices that should be followed to minimize these hazards.

102.105(8) The generator shall maintain records of the following:

a. Analysis of waste to document compliance with 102.103(2).

b. Records of land application for each site, which shall be maintained for five years; be made available to the department upon request; and include dates of application, application rate, and quantity of waste applied.

567—102.106(455B) General permit. Land application of waste at a rate that does not exceed two tons per acre per year and that meets the requirements of 567—102.103(455B), 567—102.104(455B), and 567—102.105(455B) may be land applied in accordance with this rule.

102.106(1) The maximum application rate shall be reduced if analysis of the waste indicates that a two ton per acre per year rate would provide nutrient levels in excess of crop nutrient requirements or would provide heavy metals concentrations in the soil at levels that may be detrimental to crop production or hazardous to human health.

102.106(2) All material must be staged on ground eligible for land application.

102.106(3) Before the initial land application, the applicator must notify the department in writing. This notice shall contain the following:

a. The name and address of the generator of the waste.

b. Contact information for the responsible official.

c. A description of the waste including the process to generate it, chemical analyses showing compliance with 102.103(2), and any additional analysis that the department may require to adequately define the waste. Chemical analysis shall be done by a laboratory certified pursuant to 567—Chapter 83.

d. Quantities of waste to be land applied.

e. Application rate.

f. Legal description of the site.

g. An aerial photo with the site outlined and any areas ineligible for application marked off.

h. Number of acres eligible for land application at the site.

i. The landowner's name and contact information.

567—102.107(455B) Permit Prior to any land application of solid waste not exempted in 567—102.102(455B) or 567—102.106(455B), a solid waste management permit pursuant to 567—subrule 100.4(2) must be obtained by the waste generator.

102.107(1) *Permit application.* In lieu of the permit application requirements in 567—subrule 100.5(1), all permit applications for land application shall include:

a. The name, address, email, and telephone number of:

(1) The permit applicant (generator of the waste).

(2) Official responsible for operation of the project.

(3) Agronomist affiliated with the project.

b. Type, source, and expected volume or weight of waste to be handled per day, week, and year.

c. Information on the source, quantity, and method of treatment of the waste prior to disposal.

d. Chemical analyses showing compliance with 102.103(2) and any additional analysis that the department may require to adequately define the waste. Chemical analysis shall be done by a laboratory certified pursuant to 567—Chapter 83.

e. A detailed description of the land application process to be used, including the method and rate of application, and information indicating how the operational requirements of 567—102.105(455B) will be met.

f. A table of all application sites that includes the name of the site, legal description, county, acres eligible for land application, and the name of the landowner.

g. For each land application site, the following:

(1) An aerial photograph of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, roads, and other applicable details.

(2) A map or aerial photo showing all wells located within 500 feet of the site.

(3) A soil map.

(4) Water table levels of the site, including the frequency and duration of any expected high-water table or flooding.

(5) Proof of the applicant's ownership of the site or legal entitlement to use the site for the disposal of waste.

h. Other information as required by the department.

102.107(2) *Reporting requirements.*

a. A permit holder shall have a certified professional agronomist perform an annual inspection of all sites utilized in the previous year to ensure soil properties and constituents being applied are suitable and will not exceed agronomic rates for the crop that will be produced the following summer. The agronomist will review soil test results to ensure that the application of the waste will not cause buildup of nutrients in the soil. The results of this inspection shall be submitted to the department's main office by April 1 each year.

b. A permit holder shall submit an annual report summarizing the records required in 102.105(8)*"b"* to the department's main office on a form provided by the department. The report will be for July through June and is due by October 1 of each year.

c. Sampling and analyses of the permitted waste shall be performed and submitted to the department according to a schedule stipulated in the permit. At a minimum, an analysis shall be submitted with each permit renewal.

102.107(3) *Temporary storage.*

a. The permit may allow for storage of stabilized sludge and solid waste at application sites subject to the following conditions:

(1) Waste shall not be stored within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

(2) The waste shall not be stored on soils classified as sand, loamy sand, or silt on the USDA textural classification chart shown in 102.104(6).

(3) Amount stored may not exceed the amount needed for the next application window for that site.

(4) All material stored must be land applied the next application season.

(5) If weather or extenuating circumstances prevent application from taking place, the applicant must notify the department.

(6) Runoff shall be controlled at all times.

(7) Financial assurance in accordance with 567—102.108(455B) has been obtained.

b. The permit may allow for storage of stabilized sludge and solid waste at a consolidation point subject to the following conditions:

(1) Waste shall not be stored within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

(2) The storage surface shall be made of asphalt, concrete, compacted granular aggregate, clay, or similar relatively impermeable material.

(3) All material stored must be land applied the next application season.

(4) If weather or extenuating circumstances prevent application from taking place, the applicant must notify the department.

(5) Runoff from the waste shall be controlled at all times.

(6) Financial assurance in accordance with 567—102.108(455B) has been obtained.

567—102.108(455B) Financial assurance. The holder of a solid waste management permit for the land application of wastes that has received authorization to temporarily store waste at the application site(s) or a consolidation point must obtain and submit a financial assurance instrument to the department. The financial assurance instrument shall provide monetary funds for the purpose of

properly disposing of or having a third-party land apply any stored wastes due to the permit holder's failure to properly land apply wastes in accordance with this division and the applicable permit provisions.

102.108(1) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted by at the time of application for a permit to land apply solid wastes. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

102.108(2) *Financial assurance amounts required.* The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure.

a. Third-party labor and transportation costs and total tip fees to properly dispose of all solid wastes equal to the maximum storage capacity of all approved storage areas, or

b. Third-party labor costs to land apply all solid wastes equal to the maximum storage capacity of all approved storage areas.

102.108(3) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.10(4) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. The language of the financial assurance instrument shall meet the criteria in 567—subrule 101.708(3). Financial assurance shall be provided by one of the following options.

a. Trust fund pursuant to 567—subrule 101.707(1).

b. Surety bond pursuant to 567—subrule 101.707(2).

c. Letter of credit pursuant to 567—subrule 101.707(3).

d. Corporate guarantee pursuant to 567—subrule 101.707(7).

These rules are intended to implement Iowa Code sections 455B.173 and 455B.304.

567—102.109 to **102.199** Reserved.

DIVISION III
LANDFARMING OF PETROLEUM CONTAMINATED SOIL

567—102.200(455B) Purpose. The purpose of this chapter is to establish rules for the safe and effective remediation and disposal of petroleum-contaminated soil (PCS) through landfarming.

567—102.201(455B) Applicability; compliance.

102.201(1) These rules apply to the landfarming of soils contaminated with biodegradable petroleum products including but not limited to gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof. All PCS landfarming activities in which three or more cubic yards of PCS are excavated shall comply with this chapter. Uncontaminated soil that is excavated during the removal of the PCS shall not be counted toward the three-cubic-yard applicability threshold.

102.201(2) These rules do not apply to PCS that is being disposed of at a sanitary landfill.

102.201(3) The issuance of a landfarm permit by the department in no way relieves the generator or permit holder of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.201(4) These rules do not apply to hazardous waste.

102.201(5) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.202(455B) Definitions. The definitions set out in Iowa Code section 455B.301 shall be considered to be incorporated by reference in these rules. For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

567—102.203(455B) Landfarming application permits.

102.203(1) *Permit required.* PCS shall not be landfarmed without a solid waste management permit for landfarm application from the department pursuant to 567—subrule 100.4(2).

102.203(2) *Landfarm application permit.* Upon issuance of a landfarm application permit, the permit holder is authorized to apply PCS to the land to create one or more landfarms. This permit requires that landfarms be used for only one application of a particular source and type of PCS. This permit requires that no other PCS be applied within 15 feet of the area of land used as a landfarm until the landfarm is closed pursuant to 567—102.211(455B).

102.203(3) *Construction and operation.* Landfarms shall be constructed and operated according to these rules, 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.

102.203(4) *Duration of permits.* Landfarm application permits shall be issued and may be renewed for a three-year term.

567—102.204(455B) Application information. To apply for a landfarm application permit, the applicant shall submit the following information to the department in addition to the requirements of 567—subrule 100.5(1):

102.204(1) The name, address, and telephone number of:

a. Owner(s) of the agency.

b. Individual responsible for recordkeeping and reporting.

c. An emergency contact person.

102.204(2) A plan of operations that complies with the requirements of 567—102.208(455B) and 567—102.210(455B).

102.204(3) An emergency response and remedial action plan (ERRAP) pursuant to 567—102.209(455B).

567—102.205(455B) PCS analysis and characterization.

102.205(1) *Source identification.* The name and address of the contaminated site from which the PCS originated and the spill or underground storage tank (UST) registration number shall be recorded.

102.205(2) *Type classification.* The PCS shall be classified by type according to the petroleum product's trade name (e.g., gasoline, diesel fuel) or according to the trade names if there is a mixture of petroleum products.

102.205(3) *Chemical testing.* The following analyses shall be performed.

a. Benzene, toluene, ethylbenzene, and xylene (BTEX) testing. The PCS shall be tested for BTEX.

b. Total extractable hydrocarbons as diesel (TEH-diesel) testing. The PCS shall be tested for TEH-diesel.

c. Total metals testing. If the history of the petroleum-contaminated site is known to have included solvents, batteries, leaded fuel, waste oil, or a gas station in operation prior to 1985, then the PCS shall be tested for total Resource Conservation and Recovery Act (RCRA) metals.

102.205(4) *Department-supervised emergency cleanups.* PCS originating from the cleanup of a spill or expedited over-excavation at a tank closure or upgrade under department jurisdiction shall be characterized and tested as follows before being landfarmed. Such PCS may be landfarmed prior to chemical testing, pursuant to the application rate in 120.9(6) and reporting requirements of 567—120.11(455B), if permission is obtained from department emergency response personnel or the department field office with jurisdiction over the landfarm site.

102.205(5) *Other cleanups.* PCS not originating from a department-supervised emergency cleanup pursuant to 102.205(1) shall be characterized and tested as follows before being landfarmed. PCS originating from a cleanup pursuant to 567—Chapter 135 may utilize those test results as applicable.

102.205(6) *Tar balls.* PCS that has the potential to produce tar balls shall not be landfarmed. Such PCS may be disposed of in a sanitary landfill.

102.205(7) *Other tests.* The department may require testing of the PCS for other chemicals of concern.

567—102.206(455B) Site exploration and suitability requirements for landfarms. All landfarms shall meet the following site exploration and suitability requirements.

102.206(1) *Previous use.* The landfarm applicator shall obtain written confirmation from the site owner of one of the following requirements:

a. That any other landfarm created in the past three years within 15 feet of the proposed landfarm plot has been closed pursuant to 567—102.211(455B).

b. That no area within 15 feet of the proposed landfarm plot has been used as a landfarm in the past three years.

102.206(2) *Wells.* PCS shall not be landfarmed or stored within 500 feet of a well that is being used or could be used for human or livestock consumption. The department may also exempt from this requirement extraction wells utilized as part of a remediation system. PCS shall not be landfarmed or stored within 500 feet of an agricultural drainage well.

102.206(3) *Sinkholes.* PCS shall not be landfarmed or stored within 500 feet of a sinkhole.

102.206(4) *Surface waters of the state.* PCS shall not be landfarmed or stored within 200 feet of a stream, lake, pond, wetland, or other surface water of the state. The department may waive the setback requirement for surface waters that have been constructed for pollution control purposes.

102.206(5) *Tile lines.* PCS shall not be landfarmed or stored within 200 feet of a tile line surface intake.

102.206(6) *Housing and sensitive populations.* PCS shall not be landfarmed or stored within 200 feet of an occupied residence, recreational area, child care facility, educational facility, or health care facility.

102.206(7) *Floodplains.* PCS shall not be landfarmed or stored within a 100-year floodplain.

102.206(8) *Slope.* PCS shall not be landfarmed or stored on slopes greater than 5 percent. This requirement may be satisfied by utilizing USDA soil maps.

102.206(9) *Soil properties for landfarm plot.* All soils in the landfarm plot of the landfarm shall comply with the following requirements.

a. USDA textural soil classification. Soils in the landfarm plot of landfarms shall be clay, sandy clay, sandy clay loam, sandy loam, silty clay, silty clay loam, clay loam, loam, or silt loam as classified by the USDA Textural Classification Chart for soils.

b. Stones and debris. Soils in the landfarm plot shall be free of stones and debris larger than four inches in diameter.

c. Soil pH. Soils in the landfarm plot shall have a pH greater than or equal to 6 and less than or equal to 9.

d. Bedrock separation. The landfarm plot shall have a minimum of six feet of soil over bedrock.

567—102.207(455B) PCS storage areas. PCS shall be stored on an impervious surface, under a roof of tarp to minimize the infiltration of precipitation, or in an area with minimal potential for stormwater run-on.

567—102.208(455B) Landfarm operating requirements. All landfarms shall comply with the following operating requirements.

102.208(1) *Standard PCS.* Only standard PCS may be land applied or stored at a landfarm without a permit amendment from the department.

102.208(2) *Nonstandard PCS.* A permit amendment from the department, pursuant to 567—subrule 100.5(4) shall be obtained for each particular source and type of nonstandard PCS before that PCS may be land applied or stored at a landfarm. The permit amendment application shall include a justification of how the PCS can be safely and effectively remediated by landfarming.

102.208(3) *Saturated or slurry PCS.* PCS in a saturated or slurry condition shall not be applied to the land or stored at a landfarm. PCS in such a condition shall be bulked with other biodegradable materials (e.g., compost, mulch) until it is no longer saturated or in a slurry before it is applied to the land or stored at a landfarm.

102.208(4) *Storage.* PCS shall be stored during the non-landfarm season, except as allowed by 102.208(4). PCS may be stored for up to seven days during landfarm season.

102.208(5) *Non-landfarm season.*

a. PCS shall only be applied to the land during non-landfarm season if the PCS must be applied to the land as part of an emergency cleanup supervised by the department pursuant to 120.6(1) or all of the following conditions exist:

(1) The landfarm plot is free of snow.

(2) The slope of the landfarm plot is less than 3 percent.

(3) The PCS is incorporated into the soil as soon as site conditions allow.

b. There is no precipitation.

102.208(6) *PCS plot requirements.* One application of a particular source and type of PCS may be applied to a landfarm plot. A landfarm may only apply a subsequent application of PCS to a previously utilized landfarm plot if such application is in compliance with the following:

a. The plot has been tested pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3), and the results demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH-diesel, and 0.02 mg/kg for MTBE.

b. A subsequent application of a particular source and type of PCS may not be applied within 15 feet of an area used as a single-use landfarm until the single-use landfarm is closed pursuant to 567—subrule 120.12(2).

102.208(7) *PCS application rates.* PCS shall be land applied at a rate that is as uniform as practical over an area sufficient to satisfy the greater of the following area requirements. However, PCS from an emergency cleanup supervised by the department pursuant to 102.205(1) may instead be land applied at a rate of 162 ft^2 of landfarm area per cubic yard (yd^3) of PCS, that is as uniform as practical, and in which no layer of unincorporated PCS is thicker than two inches.

a. Petroleum constituents. PCS shall be land applied over the largest area required by the following:

(1) PCS contaminated with benzene shall be land applied in accordance with Table 1. The average concentration of benzene in the PCS shall be used to determine the landfarm area (ft^2) required per cubic yard (yd^3) of PCS to be land applied. The average concentration of benzene shall be calculated from all soil boring test results that are within the PCS excavation area. The application shall be as uniform as practical over the area required.

Table 1			
0< mg/kg ≤10	81 ft^2	4 inches	537 yd^3
10< mg/kg ≤20	162 ft^2	2 inches	268 yd^3
20< mg/kg	324 ft^2	1 inch	134 yd^3

(2) PCS that is not contaminated with benzene or MTBE, but is contaminated with toluene, ethylbenzene, xylene, TEH-diesel, or some combination thereof, shall be land applied at a rate of 81

ft^2 of landfarm area per cubic yard (yd^3) of PCS. The application shall be as uniform as practical, and no layer of unincorporated PCS shall be thicker than four inches.

b. Total RCRA metals. PCS that has been tested for heavy metals pursuant to 102.205(1)*"c"*(3) shall be applied at a rate that is as uniform as practical, that results in no layer of PCS thicker than four inches, and that upon incorporation produces a landfarm soil that satisfies the following requirements. This analysis requires prior testing of background levels of RCRA metals at the proposed landfarm site.

(1) Total RCRA metals are less than 2,500 milligrams per kilogram (mg/kg).

(2) Any particular concentration of a RCRA metal is less than the appropriate statewide standard for soil developed pursuant to 567—Chapter 105, Division III.

102.208(8) *Flagging.* The landfarm plot(s) upon which PCS is land applied shall be delineated with flags for one year after land application or until the landfarm is closed pursuant to 567—102.211(455B), whichever is shorter.

102.208(9) *Removal of solid waste and rubble.* All solid waste that is not PCS shall be removed and properly disposed of prior to the landfarming of PCS. All rubble, stones, and debris larger than four inches in diameter, or that interfere with incorporating and turning the PCS, shall also be removed and properly disposed of.

102.208(10) *PCS incorporation.* PCS shall be incorporated into the soil by tilling, disking, or other suitable means within 48 hours of being land applied or before the next precipitation event, whichever is sooner. PCS shall not be incorporated deeper than 12 inches.

102.208(11) *Turning the PCS.* After incorporation, the PCS shall be turned by tilling, disking, or other suitable means at least once per month for the first three months during landfarm season.

102.208(12) *No crops for consumption.* Landfarms shall not grow crops within 15 feet of a landfarm plot that is flagged pursuant to 102.208(7). Crops for human and livestock consumption may be grown at a single-use landfarm after the landfarm plot is no longer required to be flagged pursuant to 102.208(7).

102.208(13) *Removal of PCS from a landfarm.* PCS shall not be removed from a landfarm until the landfarm is closed pursuant to 567—120.12(455B) or the following conditions are met:

a. One sample from each 2,500 ft^2 (e.g., 50-foot × 50-foot area) of landfarm plot is analyzed pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3). A minimum of one sample per landfarm plot shall be obtained. All samples shall be obtained from between the top two to six inches of soil.

b. The results of the tests in 102.211(2)*"a"* demonstrate that petroleum constituent concentrations for benzene, toluene, ethylbenzene, TEH-diesel, and MTBE are below the detection limits required by 567—Chapter 135.

c. Records of the lab results, amount of PCS removed, and the exact final location of the PCS shall be maintained by the landfarm.

567—102.209(455B) Emergency response and remedial action plans.

102.209(1) *ERRAP.* An ERRAP as described in 567—100.14(455B) shall be maintained as part of the landfarming application permit.

102.209(2) *Access.* ERRAP documents shall be readily available. Landfarm applicators shall ensure that employees have either physical or digital access to the ERRAP document when conducting landfarm operations.

102.209(3) *Employee training.* At a minimum, all employees shall receive annual training sufficient to understand and utilize ERRAP documents.

567—102.210(455B) Reporting and recordkeeping requirements.

102.210(1) *Reporting.* The following information shall be submitted to the department on a form provided by the department. All reporting submissions shall include the name, address, and telephone number of the landfarm and permit holder, as well as the permit number.

a. Storage notification. Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before receipt of the PCS for storage; however, at least 30 days' notification is encouraged. PCS storage information from an emergency cleanup supervised by the department pursuant to 102.205(1), however, shall be reported within seven days of the emergency cleanup.

(1) The date the PCS is expected to be delivered for storage at the landfarm.

(2) Where the PCS will be stored at the landfarm.

(3) The spill number, UST registration number, and leaking UST (LUST) number, as applicable.

b. Land application notification. Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before land application; however, at least 30 days' notification is encouraged. PCS information from an emergency cleanup supervised by the department pursuant to 102.205(1), however, shall be reported within seven days of the emergency cleanup.

(1) The date the PCS is expected to be applied to the land. If the PCS is not applied on this date, the department shall be informed of the actual application date.

(2) A physical address or parcel identification number for the landfarm location, a legible topographic map or aerial photo, a USDA soil map with key, and a map of the 100-year floodplain illustrating and labeling where the PCS is to be applied.

(3) Application rate calculations pursuant to 102.208(6).

(4) The spill number, UST registration number, and LUST number, as applicable.

c. PCS analysis and characterization. Information on the analysis and characterization of the PCS pursuant to 567—102.205(455B) shall be submitted to the department before receipt of the PCS for storage or land application; however, at least 30 days' notification is encouraged. PCS analysis and characterization information from an emergency cleanup supervised by the department pursuant to 567—subrule 120.6(1), however, shall be reported within 60 days of the emergency cleanup.

102.210(2) *Recordkeeping.* All landfarm applicators shall maintain records of all information related to compliance with this chapter and the permit throughout the life of the landfarm and for three years after landfarm closure pursuant to 567—102.211(455B). This information shall be available to the department upon request. Applicable information includes but is not limited to the following material.

a. Permit application information pursuant to 567—102.204(455B).

b. PCS analysis and characterization pursuant to 567—102.205(455B).

c. Site suitability information pursuant to 567—102.206(455B).

d. Specific design requirements pursuant to 567—102.207(455B).

e. Operations information pursuant to 567—102.208(455B), in particular, application rate calculations pursuant to 102.208(6).

f. ERRAP documents pursuant to 567—102.209(455B).

g. Reports submitted pursuant to 102.210(1).

h. Closure information pursuant to 567—102.211(455B).

567—102.211(455B) Landfarm closure.

102.211(1) A landfarm shall be closed three years after the application of PCS unless otherwise authorized or required by this rule.

102.211(2) A landfarm may be closed if, at least six months after the application of PCS, documentation has been submitted and acknowledged in writing by the department that each landfarm plot has been tested as follows.

a. One sample from each 10,000 ft^2 (e.g., 100-foot × 100-foot area) of landfarm plot is analyzed pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3). A minimum of one sample per landfarm plot shall be obtained. All samples shall be obtained from between the top two to six inches of soil.

b. The results of the tests in 102.211(2)*"a"* demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH-diesel and 0.02 mg/kg for MTBE.

567—102.212(455B) Financial assurance requirements for landfarms. The holder of a sanitary disposal project permit for a landfarm must obtain and submit a financial assurance instrument to the department in accordance with this rule. The financial assurance instrument shall provide monetary funds for the purpose of conducting closure activities at the landfarm plot(s) due to the permit holder's failure to properly close the site as required in accordance with 567—102.211(455B) within 30 days of permit suspension, termination, revocation, or expiration.

102.212(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a landfarm until a financial assurance instrument has been submitted to and approved by the department.

102.212(2) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted at the time of application for a permit for a landfarm application permit. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

102.212(3) *Financial assurance amounts required.* The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure pursuant to 567—102.211(455B):

a. Third-party costs to conduct soil sampling and properly clean all equipment and storage areas at the landfarm plot(s).

b. If PCS is temporarily stored on site prior to incorporation, then this estimate shall include third-party labor and transportation costs and total tip fees to properly dispose of all PCS equal to the maximum storage capacity on site.

102.212(4) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.212(3) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Financial assurance may be provided by one of the following options:

a. Trust fund pursuant to 567—subrule 101.707(1).
b. Surety bond pursuant to 567—subrule 101.707(2).
c. Letter of credit pursuant to 567—subrule 101.707(3).
d. Corporate guarantee pursuant to 567—subrule 101.707(7).
e. Local government guarantee pursuant to 567—subrule 101.707(8).
f. Local government dedicated fund pursuant to 567—subrule 101.707(9).

These rules are intended to implement Iowa Code sections 455B.301A, 455B.304, and 455B.383.

567—102.213 to **102.299** Reserved.

DIVISION IV
BENEFICIAL USE

567—102.300(455B) Purpose. The purpose of this division is to establish rules for determining when the utilization of a solid by-product constitutes beneficial use rather than the disposal of solid waste. Solid by-products determined by the department not to be a solid waste through a beneficial use determination will not be subject to regulation as disposal of solid waste. This division encourages the utilization of solid by-products, consistent with accepted engineering practices, when such utilization improves, or at a minimum does not adversely affect, human health and the environment.

567—102.301(455B) Applicability and compliance.

102.301(1) These rules establish a method for predetermination by the department that a proposed utilization of a solid by-product will not be regulated as solid waste disposal when utilized in the manner approved by the department. These rules apply to industrial, commercial, and institutional generators and users or proposed users of solid by-products that before receiving a beneficial use determination by the department were disposing of solid by-products as solid waste. These rules encourage environmentally sound materials management practices to maximize the use of recoverable materials and to foster resource recovery. The department reserves the authority to modify or revoke any beneficial use determination authorized under these regulations.

102.301(2) These rules do not pertain to organic materials composting. Division I of this chapter contains rules pertaining to organic materials composting.

102.301(3) These rules do not pertain to the land application of solid waste. Division II of this chapter contains rules pertaining to the land application of solid waste.

102.301(4) These rules do not pertain to the beneficial use of waste tires. Division V of this chapter contains rules pertaining to the beneficial use of waste tires.

102.301(5) These rules do not pertain to alternative cover material. 567—Chapter 101, Division II, contains rules pertaining to sanitary landfills utilizing or desiring to utilize solid by-products as alternative cover material.

102.301(6) These rules do not apply to solid by-products that are directly incorporated into a manufacturing process to make a commercial product unless the use of a solid by-product as an ingredient in an industrial process or as a substitute for a commercial product may present a threat of harm to human health and the environment that is similar to the harm that would occur from the improper disposal of the solid by-product.

102.301(7) Beneficial use determinations granted by the department before [the effective date of this rule] shall remain in effect unless specifically addressed by these rules or by written notification pursuant to 567—102.307(455B).

102.301(8) The issuance of a beneficial use determination by the department affirms that the proposed use is not subject to regulation as solid waste disposal to the extent the use and solid by-product conforms to the beneficial use application and determination. The issuance of a beneficial use determination by the department in no way relieves the generator or user of the responsibility of complying with all other local, state, and federal statutes, ordinances, and rules or other applicable requirements.

102.301(9) Respondents in actions to enforce these regulations who raise a claim that a certain solid by-product is not a solid waste or is conditionally exempt from regulation shall demonstrate that there is a known market or disposition for the solid by-product and that they meet the terms of the exemption. Documentation (such as contracts showing that a second person or entity utilizes the solid by-product as an ingredient in a production process) is needed to demonstrate that the solid by-product is not a solid waste or is exempt from regulation.

102.301(10) To ensure that all solid by-product applications do not pose a threat to human health and the environment, the department has the authority to determine if a proposed use is beneficial and to approve or deny applications if such a benefit is not evident. Proposed beneficial uses in which the primary purpose is as a land disposal mechanism, and any beneficial use would be incidental in nature, will be denied in accordance with 567—102.308(455B).

102.301(11) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.302(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—102.303(455B) Universally approved beneficial use determinations. The following solid by-products are hereby approved as the beneficial use of a solid by-product when utilized in the specific manners listed provided that such utilization is in compliance with 567—102.305(455B) and 567—102.306(455B). Unless an entity is otherwise notified by the department pursuant to 567—102.307(455B), such utilization does not require further approval from the department.

102.303(1) *Asphalt shingles.* Asphalt shingles that are certified, consistent with federal regulations (Reference: Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy), as not containing more than 1 percent asbestos may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Road surfacing granular material.

c. Asphalt pavement material.

102.303(2) *Cement kiln dust.* Cement kiln dust may be used as follows:

a. Subbase for hard-surface pavement construction.

b. A soil amendment pursuant to 21—Chapter 44 and other IDALS rules.

c. A stabilizer for manure and waste sludge.

d. For soil stabilization purposes.

e. Structural fill or fill material.

102.303(3) *Coal combustion residual.*

a. Coal combustion fly ash, bottom ash, or boiler slag may be used as follows:

(1) Subbase for hard-surface pavement construction.

(2) For soil stabilization purposes.

(3) Structural fill or fill material.

b. Coal combustion bottom ash or boiler slag may also be used as follows:

(1) Sandblasting or other abrasive.

(2) Granules for roofing shingles.

c. Coal combustion flue gas desulfurization, flue gas pollution control by-products, including but not limited to lime, activated carbon and synthetic gypsum, may be used as follows:

(1) For soil stabilization purposes.

(2) Soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

102.303(4) *Foundry sand.* Foundry sand from steel and ferrous casting may be used as follows:

a. Leachate control drainage material at a sanitary landfill.

b. Subbase for hard-surface pavement construction.

c. Structural fill or fill material.

d. Emergency flood control use for sandbags.

e. Sandblasting or other abrasive.

102.303(5) *Glass.* Uncontaminated, unleaded glass may be used as follows:

a. Leachate control drainage material at a sanitary landfill.

b. Subbase for hard-surface pavement construction.

c. Structural fill or fill material.

d. Sandblasting or other abrasive.

e. Filter media.

102.303(6) *Gypsum and gypsum wallboard.* Gypsum and gypsum wallboard that have not been treated to be water-resistant or flame-retardant may be used as a soil amendment pursuant to 21—Chapter 44 and other IDALS rules.

102.303(7) *Lime.* Lime produced as a by-product of public water supplies may be used as a soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

102.303(8) *Lime kiln dust.* Lime kiln dust may be used as follows:

a. Subbase for hard-surface pavement construction.

b. A soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

c. A stabilizer for manure and waste sludge.

d. For soil stabilization purposes.

e. Structural fill or fill material.

102.303(9) *Paper mill sludge.* Uncontaminated, dewatered paper mill sludge may be used as follows:

a. A fuel or energy source.

b. Bulking agent or carbon source for composting.

c. Animal bedding.

102.303(10) *Rubble.* Uncontaminated rubble such as dirt, stone, brick, or similar inorganic materials may be used for beneficial fill, landscaping, excavation, or grading or as a substitute for conventional aggregate at places other than a sanitary disposal project. Asphalt, however, shall not be approved for any of these uses if such use will cause the asphalt to be placed in a waterway or wetland, in any waters of the state, or within a floodplain.

102.303(11) *Sandblasting abrasives.* Sandblasting abrasives that do not contain heavy metal-based paint may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Structural fill or fill material.

102.303(12) *Wastewater filter sand.* Wastewater filter sand free of pathogens may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Leachate control drainage material at a sanitary landfill.

c. Structural fill or fill material.

567—102.304(455B) Application requirements for beneficial use determinations. Unless the beneficial use is approved pursuant to 567—102.303(455B), applicants will need to submit the following information on a form prescribed by the department. The department may request that additional information be submitted in order to make a beneficial use determination. The department may also require specific conditions on a beneficial use determination and issue a temporary determination on a trial basis.

A generator, user, or proposed user of a solid by-product may apply to the department in writing for a beneficial use determination. If the department finds the application information to be incomplete, then it shall notify the applicant in writing of that fact and of the specific deficiencies and return the application materials to the applicant within 30 days of such notification. The applicant may reapply without prejudice.

102.304(1) The name, address, email, and telephone number of:

a. Owner of the site where the project will be located.

b. Applicant for the beneficial use determination.

c. Official responsible for the operation of the project.

d. Professional engineer (P.E.) licensed by the state of Iowa and retained for the project, if any. The department may, at its sole discretion, require the applicant to retain a professional engineer for the project or specific parts thereof in order to obtain a beneficial use determination.

e. Agency to be served by the project, if any.

f. Responsible official of agency to be served, if any.

102.304(2) Scaled map or aerial photograph locating the boundaries of the proposed beneficial use site, if applicable, and identifying:

a. North and other principal compass points.

b. Section lines and other legal boundaries.

c. Zoning and land use within 750 feet.

d. Homes and buildings within 750 feet.

e. Haul routes to and from the site, including load limits or other restrictions on those routes.

102.304(3) A description of the solid by-product under review and its proposed use, including the process that will be used to transport and handle the solid by-product, including any equipment.

102.304(4) The chemical and physical characteristics of the solid by-product under review.

102.304(5) A demonstration that there is a known or reasonably probable market for the intended use of the solid by-product under review by providing one or more of the following:

a. A contract to purchase or utilize the solid by-product for the use proposed.

b. A description of how the solid by-product will be used.

c. A demonstration that the solid by-product complies with industry standards and specifications for that product.

d. Applications submitted by persons other than the generator must be accompanied by written consent for the proposed use from the generator.

e. Other documentation that a market for the solid by-product exists.

102.304(6) A demonstration that the proposed use of the solid by-product will not adversely affect human health and the environment. On a form prescribed by the department, the demonstration may include but is not limited to a toxicity characteristics leaching procedure analysis and total metals testing of a representative sample of the solid by-product.

102.304(7) A solid by-product management plan pursuant to 102.305(3).

567—102.305(455B) Requirements for beneficial use determinations.

102.305(1) *Solid by-products applied to land.* Unless otherwise approved by the department, all beneficial uses, including those listed in 567—102.303(455B) other than uncontaminated rubble and soil, shall meet the following requirements if the beneficial use entails the solid by-product being used as a fill material, structural fill, or subbase for hard-surface pavement construction or for soil stabilization purposes:

a. Leachate characteristics of the solid by-product to be measured by the toxicity characteristics leaching procedure (TCLP, Environmental Protection Agency (EPA) Method 1311) and be consistent with federal regulations (Reference: Table 1, Subpart C, 40 CFR 261, Maximum Concentration of Contaminants for the Toxicity Characteristic).

b. Leachate characteristics of the solid by-product to be measured by the synthetic precipitation leaching procedure (SPLP, EPA Method 1312) and shall be less than or equal to ten times the maximum contaminant levels (MCL) for drinking water (Reference: Subpart G, 40 CFR 141, National Primary Drinking Water Regulations). Applicants may limit the SPLP analytes to total metals for drinking water.

c. Total metals testing of the solid by-product (Total Metals, EPA Method 6010) shall comply with the department's current statewide standards for soil pursuant to 567—Chapter 137. Levels shall be consistent with the statewide standards for soil or the naturally occurring (i.e., background) levels of the soil, whichever are greater.

d. The department may establish additional constituent standards from those outlined in this rule for a solid by-product. The department will review regulatory limits on a quarterly basis and post updates to the department website. It is the responsibility of each generator, applicant and end user to ensure solid by-products comply with the most current regulatory limits.

e. The solid by-product shall produce a material that has a pH:

(1) Greater than or equal to 5 and less than or equal to 8 if the solid by-product may be used as growing media either now or in the future.

(2) Greater than or equal to 5 and less than 12 if the solid by-product is specifically intended not to be used as growing media either now or in the future. In this category, solid by-products with a pH equal to or greater than 10 but less than 12 shall be used only in areas where direct physical contact by humans for long periods of time is not expected to occur.

(3) For applications where only the surface may serve as growing media either now or in the future, then at a minimum the top three feet shall have a pH greater than or equal to 5 and less than or

equal to 8. Solid by-products below the top three feet shall have a pH greater than or equal to 5 and less than or equal to 12.

f. The solid by-product shall not be placed in a waterway or wetland or any waters of the state or extend below or within five feet of the high water table.

g. The solid by-product shall not be placed within a 100-year floodplain unless in accordance with all local and department regulations, including 567—Chapter 71.

h. The solid by-product shall not be placed closer than 200 feet to a sinkhole or to a well that is being used or could be used for human or livestock water consumption.

i. The solid by-product shall not be placed closer than 100 feet of any property line unless written consent is obtained from the adjacent landowner(s).

j. The solid by-product shall not be putrescible.

k. Any project utilizing a solid by-product being applied to land, not including uncontaminated rubble and soil, that has not received a beneficial use determination shall be presumed to constitute the illegal disposal of solid waste.

102.305(2) *Determination.* The department may make a determination that a solid by-product that has received approval to be used beneficially ceases to be a solid waste if it is used in accordance with the terms and conditions of the beneficial use determination. Unless otherwise determined for the particular solid by-product under review, the point at which a solid by-product ceases to be a solid waste occurs when it is used in a manufacturing process to make a product, used as an effective substitute for a commercial product, or used as a fuel for energy recovery.

102.305(3) *Solid by-product management plans.* Recipients of beneficial use determinations granted pursuant to 567—102.304(455B) and those beneficial uses listed in 102.305(1) shall develop and maintain a solid by-product management plan (SBMP) that satisfies the following:

a. Lists the source(s) of the solid by-product.

b. Outlines procedures for periodic testing (not less than semiannually) of the solid by-product to confirm the proposed use continues to be adequately protective of human health and the environment and that the solid by-product continues to possess the physical characteristics and chemical properties that make it suitable for the approved beneficial use. Testing results from a certified laboratory pursuant to 567—Chapter 83 are to be submitted as part of the SBMP on a form prescribed by the department.

c. Provides a description of storage procedures including:

(1) Storage location(s).

(2) Maximum anticipated inventory, including dimensions of any stockpiles.

(3) Run-on and runoff controls, which may include a storm water National Pollutant Discharge Elimination System (NPDES) permit.

(4) Management practices to minimize uncontrolled dispersion of the solid by-product.

(5) Maximum storage time, not to exceed six months unless authorized in writing by the department.

567—102.306(455B) Recordkeeping and reporting requirements. Recipients of beneficial use determinations granted pursuant to 567—102.304(455B) and those beneficial uses listed in 102.305(1) shall comply with the following recordkeeping and reporting requirements.

102.306(1) *Recordkeeping.* An entity subject to this rule must maintain all records related to the solid by-product management plan for a minimum duration of five years after project completion.

102.306(2) *Reporting.* Unless otherwise directed by the department, solid by-product management plans are to be filed with the department's central office as follows:

a. An entity subject to this rule shall submit to the department a copy of the solid by-product management plan prior to reuse of the solid by-product, whenever that plan is revised, and within 60 days of the end of the calendar year, whichever is earlier.

b. An entity subject to this rule whose solid by-product is being applied to land pursuant to 102.305(1) shall also submit to the department the following information for each beneficial use project or activity:

(1) The location of the project.

(2) The tons of solid by-product utilized for the project.

567—102.307(455B) Revocation of beneficial use determinations. The department may revoke any beneficial use determination if it finds one or more of the following.

102.307(1) The matters serving as the basis for the department's determination were incomplete or incorrect or are no longer valid.

102.307(2) The department finds that there has been a violation of any law, rule, permit, or other authorization in its jurisdiction.

102.307(3) The department has reasonable cause to suspect, based upon information not previously considered or available as part of the application, demonstrating that management of the solid by-product under the approved beneficial use determination may present a significant risk to or adverse effect on human health and the environment.

102.307(4) The solid by-product is used in a manner inconsistent with the terms under which it was determined to no longer be a solid waste. The department may consider the placement, dumping, or other use of a solid by-product in a manner inconsistent with the beneficial use determination to be illegal disposal of solid waste, and the applicant, generator, distributer, or end user may be subject to enforcement action by the department pursuant to Iowa Code section 455B.307.

102.307(5) The applicant has requested the revocation of the determination or other legal grounds exist for such revocation.

567—102.308(455B) Denial of beneficial use determination applications. For applications that are found to be inconsistent with these regulations by the department, the following conditions apply.

102.308(1) The department will notify the applicant in writing of the denial, including supporting rationale, within 90 days of receipt of application.

102.308(2) Solid by-products for which a beneficial use determination is denied by the department are considered solid waste and remain subject to all applicable state and federal statutes, ordinances, and regulations.

102.308(3) Applicants may appeal the denial of a beneficial use determination to the department within 60 days of notification of denial. Such appeal shall be made in a manner consistent with 561—7.4(17A,455A).

567—102.309 to **102.399** Reserved.

These rules are intended to implement Iowa Code section 455B.304(19).

DIVISION V
WASTE TIRE MANAGEMENT

567—102.400(455D) Purpose. The purpose of this division is to establish guidelines for the proper management of waste tires, including collection, hauling, storage, processing, disposal, and beneficial reuse of waste tires and processed waste tire materials. This division shall not be construed to exempt a waste tire stockpile site, processing facility, or waste tire hauler from compliance with more stringent local ordinances, fire codes, or other applicable statutes. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.401(455D) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code sections 455D.11 and 455D.11I shall apply. In addition, "stockpile" as used in this division shall mean the storage or collection of waste tires in anticipation of final disposal.

567—102.402(455D) Registration of waste tire haulers. A waste tire hauler shall register with and obtain a certificate of registration from the department in accordance with this division before hauling waste tires in Iowa. Waste tire haulers that pick up tires within Iowa or that bring waste tires to Iowa for disposal, stockpiling, or processing shall be required to register.

102.402(1) *Registration exemption.* A waste tire hauler shall not be required to register under the following circumstances:

a. The waste tire hauler only travels through the state with waste tires as a part of interstate commerce and does not pick up, deposit, transfer, store, or dispose of any waste tires in Iowa.

b. The waste tire hauler is a municipal, county, state, or other public agency; the vehicles used for transport of the waste tires are owned and licensed by the public agency; and the agency hauls no more than 10,000 waste tires within a 12-month period.

102.402(2) *Annual registration.*

a. A waste tire hauler registration shall be valid for one year, and the waste tire hauler must annually renew the waste tire hauler registration in order to continue to provide waste tire hauling services within the state.

b. Initial registration of a waste tire hauler shall be valid upon the date of issuance by the department and shall be effective for a minimum 12-month period thereafter, with expiration of the initial registration to occur on either January 1 or July 1, whichever date occurs most closely after the initial 12-month registration period.

c. Subsequent annual renewal of the waste tire hauler's registration shall then occur on either January 1 or July 1, subject to the date of the original expiration as referenced in 102.402(2)*"b."*

102.402(3) *Registration form.* A waste tire hauler shall submit the following information on a form prescribed by the department for application for or renewal of registration as a waste tire hauler.

a. The name of the waste tire hauler and any other names under which the waste tire hauler may do business.

b. The principal address of the waste tire hauler and any other address at which the waste tire hauler may do business.

c. A business telephone number.

d. The name and address of the principal officer of a corporate waste tire hauler or the principal owner or owners of a waste tire hauler operating a proprietorship or partnership.

e. The following information for each motor vehicle used by the waste tire hauler for hauling waste tires:

(1) The name and address of the owner of the vehicle.

(2) The vehicle identification number of the vehicle.

(3) The year, make, and model of the vehicle.

(4) The license plate number of the vehicle.

(5) The name of the state in which the vehicle is registered.

f. A statement that the waste tire hauler agrees to comply with the vehicle identification requirements contained in this division.

g. The name of the permitted facility for waste tire disposal, stockpiling, or processing or of another site of end use where the waste tires will be transported.

h. A statement that the waste tire hauler shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment.

i. A statement that the waste tire hauler agrees to notify the department within 30 days of any change in the information contained in the registration form.

j. The signature of the waste tire hauler.

102.402(4) *Waste tire hauler registration fee.* An application for initial registration or renewal shall be accompanied by a fee of $50.

567—102.403(455D) Waste tire hauler bond.

102.403(1) An application for registration or renewal shall not be approved by the department until the waste tire hauler has provided a surety bond in the sum of a minimum of $150,000, as provided for in Iowa Code section 455D.11I(6).

102.403(2) Bond requirements.

a. The bond shall be on a form prescribed by the department, and executed by a surety company authorized by the commissioner of insurance to do business in Iowa. The bond provided to the department shall be an original, or copy thereof.

b. The surety shall name the state of Iowa as the obligee for the bond.

c. The bond shall be continuous in nature until canceled by the surety. The surety shall provide at least 30 days' notice in writing to the waste tire hauler and the department in the event of any intent to cancel the bond and the effective date of the cancellation.

d. The waste tire hauler shall provide the department with a statement from the surety with each waste tire hauler registration renewal application, noting that the bond is paid and current for the annual period for which the waste tire hauler has applied for registration renewal.

567—102.404(455D) Marking of equipment. The following information shall be displayed on each side of equipment used by a registered waste tire hauler for the hauling of waste tires in letters and figures large enough to be read easily at a distance of 50 feet and in a color in contrast to the background.

1. The name of the registered waste tire hauler under whose authority the equipment is being operated.
2. The address of the registered waste tire hauler (city and state).
3. The registration number of the waste tire hauler, as assigned by the department. The hauler shall apply the letters and symbol "IA TH#" preceding the assigned registration number.

567—102.405(455D) Disposition of waste tires collected.

102.405(1) All tires collected by a waste tire hauler for which a fee has been collected or is to be charged shall be defined as solid waste and shall be regulated as such.

102.405(2) Upon receipt of waste tires from a person or business, the waste tire hauler shall handle the waste tires as follows:

a. The waste tires shall be directly transported to a tire collector, tire processor, or waste tire stockpile site as permitted and approved by the department or applicable local or state agencies.

b. The waste tires must be transported to a permitted site within 72 hours of initial pickup from the generator of the waste tires.

c. The waste tire hauler may not establish or operate any intermediate stockpiling, waste sorting, transfer, or processing activities regarding the waste tires collected unless such activities occur at a facility or site for which a waste tire stockpile permit or processing permit has been issued in accordance with Iowa Code chapter 455D.11, 567—102.407(455D), and 567—102.409(455D).

567—102.406(455D) Waste tire hauler reporting requirements. A registered waste tire hauler shall submit a semiannual report to the department on a form prescribed by the department. The report shall provide the department with appropriate information to ensure that waste tires recovered by the waste tire hauler have been handled properly for disposal or processing. Failure of a registered waste tire hauler to submit a timely report will result in denial of the waste tire hauler's renewal of registration.

102.406(1) *Reporting period.* A waste tire hauler shall submit semiannual reports to the department according to the following schedule:

a. For waste tires collected during the six-month period beginning January 1 through June 30, the hauler shall submit a report by the following September 1.

b. For waste tires collected during the six-month period beginning July 1 through December 31, the hauler shall submit a report by March 1 of the following year.

102.406(2) *Information required.* The semiannual report shall include the following information. All waste tire quantities determined by count or weight shall be reported in passenger tire equivalents.

a. Quantity of waste tires collected by the waste tire hauler from within Iowa for the reporting period.

b. Quantity of waste tires that are brought to Iowa by the waste tire hauler from out-of-state sources for the reporting period.

c. Final disposition of all the waste tires collected during the reporting period by listing each tire collector, tire processor, waste tire stockpile site, or other beneficial site of end use, as approved by the department, and the total quantities of waste tires that the hauler has delivered to each.

102.406(3) *Documentation and recordkeeping.* A waste tire hauler shall keep appropriate records, including but not limited to receipts, invoices, or manifests, to document all quantities of waste tires hauled and disposed of by the waste tire hauler for the reporting period. These records shall be kept by the waste tire hauler for a minimum of three years and shall be available for audit or inspection at the request of the department.

567—102.407(455D) Waste tire stockpiling.

102.407(1) *Quantity limitations.*

a. No business or individual shall stockpile more than 500 passenger tire equivalents without obtaining a permit for a waste tire stockpile pursuant to 102.407(2).

b. Businesses or individuals may temporarily stockpile up to 1,500 passenger tire equivalents without obtaining a waste tire stockpile permit, subject to the following requirements:

(1) The waste tires are stockpiled only in a mobile container, truck, or trailer provided or serviced by a registered waste tire hauler.

(2) The waste tires are removed by a registered waste tire hauler or delivered to a permitted waste tire processor at least every 60 days.

(3) The waste tire generator has a written copy of a contract or service agreement for waste tire disposal services from a registered waste tire hauler.

c. A permitted sanitary disposal project shall be allowed to stockpile up to 1,500 passenger tire equivalents without a permit if the waste tires are removed at least every 120 days and are stockpiled in a manner to minimize the collection of water.

d. Persons who use waste tires for an approved beneficial use shall not be required to obtain a waste tire stockpile permit, subject to their compliance with the provisions of 567—102.411(455D).

102.407(2) *Waste tire stockpile permits.*

a. Any tire collector, business, or individual stockpiling more than 500 passenger tire equivalents on any one site must obtain a waste tire stockpile permit. An authorized vehicle recycler, as licensed by the Iowa department of transportation, may store up to 3,500 passenger tire equivalents without a waste tire stockpile permit; any storage beyond this amount shall require full compliance with this subrule. This subrule is applicable to the indoor, outdoor, and underground storage of waste tires. If the site cannot meet the conditions to obtain a waste tire stockpile permit, all waste tires must be removed from the site and properly disposed of within 30 days of notification by the department.

b. Any tire collector, business, or individual seeking to construct a waste tire stockpile under this subrule must obtain a permit from the department prior to initiating operations. The permit shall be issued to the owner of the site or the designated tire collector that will be operating the stockpile.

c. Waste tire stockpile permits shall have an annual fee of $850, payable to the department upon the application for a permit, and due annually beginning each July 1 thereafter at the rate of $850. Permit fees shall not be prorated. The permit shall be valid for a period of three years from date of

issuance. Failure to remit the annual renewal fee to the department shall be cause for revocation pursuant to 567—100.13(455B,455D).

d. Application for a permit shall be on a form prescribed by the department and include, at a minimum, the following:

(1) The name, address, and telephone number of the individual who directly owns the stockpile site.

(2) The name, address, and telephone number of the tire collector at the stockpile site, if different from the owner.

(3) A scaled map showing all areas proposed to be used for the stockpiling of waste tires, all property boundaries of the site, and the location of all buildings and major improvements on the site and within 300 feet of the property boundary.

(4) A vector control plan to prevent infestations of mosquitoes and rodents for aboveground storage. The plan shall be prepared by a firm that provides professional vector management services. Upon request, the permittee must provide documentation to show implementation and monitoring of the approved vector control plan.

(5) A site closure plan describing the actions that would be taken to properly dispose of all waste tire materials at the site 30 days prior to any intent to discontinue operations, so that upon discontinuance of operations, no violation of waste tire or solid waste disposal laws will exist.

(6) An emergency response and remedial action plan, developed and implemented according to 567—100.14(455B). The applicant shall provide documentation that an opportunity for input and review of the plan was extended to the local fire department and local emergency management coordinator.

(7) A financial assurance instrument in compliance with 567—102.410(455D).

(8) A certified check for $850 made payable to the Iowa department of natural resources.

102.407(3) *Permitted stockpiling requirements.*

a. A permitted waste tire stockpile site in an open area shall meet the following minimum permit conditions:

(1) The site shall not contain more than 250,000 passenger tire equivalents.

(2) A single waste tire pile shall not contain more than 50,000 cubic feet of waste tires.

(3) The vertical dimension of a waste tire pile shall not exceed ten feet.

(4) A single waste tire pile shall not be more than 100 feet in length.

(5) The surface area covered by a waste tire pile shall not exceed 5,000 square feet; the pile may not be constructed upon any waste tire materials or other flammable materials.

(6) A 50-foot fire lane must be maintained between any two waste tire piles.

(7) All waste tire piles shall be located at least 50 feet from any building.

(8) Trees and brush shall be cleared within 50 feet of any waste tire pile.

(9) Combustible materials or volatile chemicals shall not be stored within 50 feet of any waste tire pile unless stored in approved fire-resistant containers or cabinets.

(10) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 100 feet of any one portion of the waste tire stockpile area.

(11) The site must be graded to prevent any standing pools of water and to limit the runoff and run-on of precipitation in all areas where waste tires are stockpiled.

(12) A waste tire pile must be at least 200 feet from any well, lake, pond, river, stream, sinkhole, or tile line surface intake unless appropriate grading, or the construction of a barrier, dike, or berm, is completed to intercept surface water flows that may impact such interceptors. This distance may then be reduced to 50 feet.

(13) The stockpile site must be secured by a fence or barrier of a minimum of six feet in height to impede unauthorized vehicle and personal access. All gates and entry points shall be secured and locked when site personnel are not present.

(14) No open burning of any type shall be allowed at the permitted stockpile site. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be conducted at least 50 feet from any waste tire stockpiling area.

(15) Signs shall be posted every 100 feet on site, placed for visibility of personnel on site, that state: "Open burning on-site prohibited." The perimeter of the site shall be posted with signs every 100 feet, placed for visibility to those offsite, that state: "Highly flammable materials on-site. Burning in area not recommended."

(16) All waste tire piles shall be located at least 300 feet from any property line, street, or public right-of-way.

b. A permitted waste tire stockpile site in an enclosed area shall meet the minimum permit conditions in 102.407(3)*"a"*(2) through *"a"*(6), as well as the following:

(1) To qualify as an enclosed area, the area must be enclosed in a structure with a permanent roof and lateral protection to prevent precipitation from accumulating within the waste tires.

(2) An enclosed stockpiling structure shall not contain more than 50,000 passenger tire equivalents.

(3) Combustible materials other than waste tires or volatile chemicals shall not be stored in a structure permitted for waste tire stockpiling unless stored in approved fire-resistant containers or cabinets.

(4) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 50 feet of any one portion of the waste tire stockpiling area.

(5) The structure must be secured from unauthorized access.

(6) No open burning of any type shall be allowed at the permitted stockpile site. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be conducted at least 50 feet from any waste tire stockpiling area. The exterior of the enclosed stockpiling area shall be posted with signs, placed every 100 feet, that state: "Highly flammable materials stored inside. Burning on-site prohibited."

102.407(4) *Reporting requirements.* The holder of a permit for a waste tire stockpile facility shall submit a semiannual report to the department on a form prescribed by the department. The report shall state the following:

a. Quantity of waste tires stockpiled at the facility at the time of reporting determined by count or weight and reported in passenger tire equivalents.

b. Quantity of waste tires received from in-state sources for the reporting period.

c. Quantity of waste tires received from out-of-state sources for the reporting period.

d. For any waste tires removed from the permitted waste tire stockpile facility during the reporting period, quantity given by equivalent count or weight of such waste tires removed. Documentation shall be provided to denote how the reported quantity of tires were disposed of at a permitted facility, processed, or reused.

567—102.408(455D) Used tires.

102.408(1) *Used tire storage.* A used tire other than a waste tire shall be stored in a manner that provides for the following:

a. Prevention of the collection of water, dirt, or debris within the tire.

b. Organized storage through stacking, rows, and sorting that provides for accurate descriptions and counts of the types and sizes of tires.

c. Storage conforms to applicable local and state fire codes.

102.408(2) *Quantity limitations.* Used tires stored for more than one year without documentation of active resale or reuse, of tire inventory in a proportion equal to 75 percent of the amount stored, shall be considered waste tires and shall be subject to the applicable waste tire stockpiling and disposal rules of this division.

567—102.409(455D) Waste tire processing.

102.409(1) *Waste tire processing permits.*

a. Any business or individual operating a tire processing facility shall obtain a waste tire processing permit prior to initiating operations. The permit shall be issued to the owner of the site or the individual that will be operating the waste tire processing facility.

b. A permitted sanitary disposal project that accepts waste tires to cut, grind, or compact only for final disposal shall not be required to obtain a waste tire processing permit. Such facilities shall not store any cut or shredded waste tire materials for more than 30 days prior to final disposal.

c. Businesses or individuals operating mobile waste tire processing equipment shall be required to obtain a waste tire processing permit. The permit shall authorize the operator to provide waste tire processing services statewide; however, mobile operations shall not be allowed to store any processed or whole waste tires at any facility or site owned or operated by the permittee unless specifically authorized in writing by the department.

d. Businesses or individuals who cut, grind, or compact for disposal waste tires generated directly from operations at their own on-site manufacturing operation or vehicle or equipment service facility shall not be required to obtain a waste tire processing permit provided all waste tire materials processed on site are disposed of at least every 30 days at a permitted facility.

e. Processing permits shall have an annual fee of $850, payable to the department upon the application for a permit, and due annually beginning each July 1 thereafter at the rate of $850. Permit fees shall not be prorated. The permit shall be valid for a period of three years from date of issuance. Failure to remit the annual renewal fee shall be cause for revocation pursuant to 567—100.13(455B,455D).

f. A permitted waste tire processing facility shall have a site closure plan. The plan shall describe the actions that would be taken to properly dispose of all waste tire materials, in whole or processed form, at the site 30 days prior to any intent to discontinue operations so that, upon discontinuance of operations, no violation of waste tire or solid waste disposal laws exist.

g. A permitted processing facility shall have an emergency response and remedial action plan, developed and implemented according to 567—100.14(455B). The applicant shall provide documentation that an opportunity for input and review of the plan was extended to the local fire department and local emergency management coordinator.

h. A permitted waste tire processing facility shall obtain financial assurance in accordance with 567—102.410(455D), as necessary.

i. Application for a permit shall be on a form prescribed by the department and include, at a minimum, the following:

(1) The name, address, and telephone number of the individual who directly owns the tire processing facility.

(2) The name, address, and telephone number of the operator of the waste tire processing facility, if different from the owner.

(3) The type of processing operations to be conducted, including descriptions of processing equipment and its hourly capacity, operating hours of the facility, and types of processed tire materials to be produced.

(4) A scaled map showing all areas proposed for waste tire stockpiling and processing operations, all property boundaries of the site, and the location of all buildings and major improvements on the site and within 300 feet of the property boundary.

(5) A site closure plan as referenced in 102.409(1)*"f."*

(6) An emergency response and remedial action plan as referenced in 102.409(1)*"g."*

(7) A certified check for $850 made payable to the Iowa Department of Natural Resources.

(8) A financial assurance instrument as referenced in 102.409(1)*"h."*

102.409(2) *Permitted processing requirements.* A permitted waste tire processing facility shall meet the following minimum permit requirements.

a. The site must be graded to prevent any standing pools of water and to limit the runoff and run-on of precipitation in all areas where waste tires are stockpiled or processed tire material is staged prior to sale.

b. The processing facility site must be secured by a fence or barrier of a minimum of six feet in height to impede unauthorized vehicle and personal access. All gates and entry points shall be secured and locked when site personnel are not present.

c. No open burning of any type shall be allowed at the permitted waste tire processing facility. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be conducted at least 50 feet from any waste tire stockpiling area.

d. Signs shall be posted every 100 feet on site, placed for visibility of personnel on site, and state: "Open burning on-site prohibited." The perimeter of the site shall be posted with signs every 100 feet, placed for visibility to those offsite, that state: "Highly flammable materials on-site. Burning in area not recommended."

102.409(3) *Preprocessed whole waste tire stockpiling.*

a. Permitted stockpiling of whole waste tires on site prior to processing shall be limited to the quantity of waste tires that the facility has the ability to process within a three-day period. This quantity shall be determined by multiplying the actual number of working hours that processing is normally to occur during a typical three-day period by 80 percent of the manufacturer's specifications of hourly capacity of the processing equipment. After one year of the facility's operation, documented actual hourly production shall be used for this permit determination in lieu of the manufacturer's equipment specifications.

b. A permitted waste tire processor may stockpile an additional three-day capacity of preprocessed whole waste tires, above the initial three-day capacity, using the same quantity determination as stated in 102.409(3)*"a,"* subject to the tire processor's obtaining and maintaining financial assurance for these additional waste tires to be stockpiled prior to processing in accordance with 567—102.410(455D).

c. Under no circumstance shall a permitted waste tire processor be allowed to stockpile more than 75,000 preprocessed whole waste tires, measured as passenger tire equivalents, through any combination of processing performance or financial assurance. All waste tires on site, including those stored indoors or outdoors or in trucks, trailers, or mobile cages, shall be counted in determining compliance with this subrule.

d. Any single waste tire shall not be stockpiled at the processing facility for more than 30 days before the tire is processed.

e. Preprocessed whole waste tires stockpiled outdoors shall comply with 102.407(3)*"a"*(2) through *"a"*(16), and any waste tires stockpiled in trucks, trailers, or mobile containers must be at least ten feet from any property line or building.

f. Indoor stockpiling of whole waste tires shall not be allowed within 20 feet of any waste tire processing or handling equipment. All waste tires being actively unloaded and fed into processing equipment, including those being off-loaded from trucks, trailers, or mobile containers, shall be cleared at least 20 feet away from the processing equipment by the end of the last working shift of the day. Any remaining indoor stockpiling shall comply with the requirements of 102.407(3)*"b"*(3) through *"b"*(6) and the following:

(1) No more than 25,000 passenger tire equivalents shall be stockpiled indoors.

(2) Combustible materials or volatile chemicals shall not be stored within 25 feet of any waste tire stockpile area unless they are stored in approved containers pursuant to applicable fire codes.

(3) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 50 feet of any one portion of indoor tire stockpile area.

(4) The stockpiling structure must be secured from unauthorized access.

102.409(4) *Processed waste tire storage.*

a. Storage of processed waste tire materials at a waste tire processing facility shall be limited to the volume of material in aggregate that the processor manufactures within a consecutive 60-day

period, using the facility's daily average capacity for processing whole waste tires as determined in 102.409(3)*"a."* The department shall have the final authority for determining the allowable quantities of processed tire materials to be stored.

b. Under no circumstances shall the equivalent of more than 500,000 processed tires, or 5,000 tons of material, be stored at the permitted waste tire processing site.

c. All processed waste tire material at the site of processing shall be stored as follows:

(1) Processed tires shall be stored in piles no more than 15 feet in height, 100 feet in length, and 50 feet in width and shall contain no more than 75,000 cubic feet of product by volume.

(2) A 50-foot fire lane must be maintained between piles of processed tire material, with the base of the lane kept free from the accumulation of waste tire-derived residuals or materials or other debris.

(3) All processed waste tire material shall be stored at least 50 feet from any property line, street, public right-of-way, or building.

(4) Trees and brush shall be cleared within 50 feet of the storage of all processed waste tire material.

(5) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 100 feet of any one portion of processed waste tire stockpile area.

d. For indoor storage of more than 5,000 cubic feet of processed waste tire material, the material shall be stored on concrete floors and all retaining walls, bins, barriers, and roofing material for the material storage shall be constructed of nonflammable materials.

e. The processor must demonstrate a reasonable market demand for all types and quantities of processed product stored at the waste tire processing facility. Market demand for processed waste tire products shall be demonstrated by the processor through at least one of the following criteria:

(1) Active contracts, purchase orders, or supply agreements with an end user, noting quantities of material required by the end user, specifications of the quality of the product required by the end user, and monthly or annual demand of product by the end user from the processor. This information shall be made available for review by the department as required to determine compliance with this subrule.

(2) Historic, ongoing demand for product by an end user or type of end user within the state or surrounding region.

(3) Information and evidence that any proposed new product or use for processed waste tires produced by the tire processor will be marketed in a timely fashion, with sufficient demand and consumption by end user markets.

f. The department shall have the final authority in determining storage limitations, including prohibition, for processed waste tire products when active markets are not evident from information provided by the waste tire processor.

102.409(5) *Reporting requirements.* The holder of a permit for a waste tire processing facility shall submit a semiannual report to the department on a form prescribed by the department. The report shall state the following:

a. Quantity of waste tires received by the facility during the reporting period.

b. Quantity of waste tires received by the facility from in-state sources.

c. Quantity of waste tires received by the facility from out-of-state sources.

d. Quantity of unprocessed waste tires on hand at the facility at the time of reporting.

e. Quantity of waste tires processed and delivered to end users during the reporting period, by product type, with determinations of quantities of product delivered to identified in-state and out-of-state markets or sites.

f. Quantity of processed tire material currently stored at the facility, by product type.

102.409(6) *Disposal of solid wastes.*

a. All waste materials, residuals, and scraps derived from waste tire processing operations shall be regulated as solid waste. These materials include but are not limited to tire bead rings, metal wire, synthetic fibers, and cording.

b. All of these solid wastes must be disposed of at least every 60 days at a permitted sanitary disposal project, scrap recycler, or location, as approved by the department.

c. Documentation of the disposal of these solid wastes must be kept at the waste tire processing facility for a period of three years and shall be available for audit or inspection at the request of the department.

567—102.410(455D) Financial assurance requirements. Permitted waste tire processing sites and waste tire stockpile sites must obtain and submit a financial assurance instrument to the department in accordance with Iowa Code section 455D.11A and this rule.

102.410(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a waste tire processing or stockpile site until a financial assurance instrument(s) has been submitted to and approved by the department, as necessary.

102.410(2) *Financial assurance amounts required.*

a. Waste tire stockpile sites shall have financial assurance coverage equal to $2.50 per passenger tire equivalent collected and stockpiled.

b. Waste tire processing sites shall have financial assurance coverage equal to $2.50 per passenger tire equivalent stockpiled above the permitted three-day processing capacity, in accordance with 102.409(3)*"b."*

102.410(3) *Allowable financial assurance instruments.* The instruments used to demonstrate financial assurance must ensure that the funds necessary to properly dispose of any waste tires that may remain at a permitted waste tire stockpile or waste tire processing site due to the owner's or operator's failure to properly close the site within 30 days of permit termination, revocation, or expiration. The financial assurance instrument must be legally valid, binding, and enforceable under Iowa law and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Owners or operators must choose from options in 102.410(3)*"a"* through *"e,"* as provided for in Iowa Code section 455D.11A(3).

a. Cash. Cash payments shall be provided by a certified check, made payable to the Iowa Department of Natural Resources.

b. Surety bond. An owner or operator may demonstrate financial assurance for closure by obtaining a payment or performance surety bond, which conforms to the requirements of this paragraph. The surety bond agreement shall be on a form prescribed by the department and executed by a surety company authorized by the commissioner of insurance to do business in Iowa. The owner or operator shall provide the department with a statement from the surety with each permit renewal application, noting that the bond is paid and current for the period for which the applicant has applied for permit renewal. The executed surety bond provided to the department shall be an original, or copy thereof, that addresses the following:

(1) The penal sum of the bond must be in an amount at least equal to the amount specified in 102.410(2).

(2) 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 upon notice from the department pursuant to 102.410(8)*"e."*

(3) The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 102.410(3)*"d."*

(4) Payments made under the terms of the letter of credit will be deposited by the issuing institution directly into the standby trust fund. Payments from the trust fund must be authorized by the trustee pursuant to 102.410(3)*"d"*(3).

c. Letter of credit. An owner or operator may demonstrate financial assurance for closure by obtaining an irrevocable standby letter of credit, which conforms to the requirements of this paragraph. The letter of credit agreement shall be on a form prescribed by the department, and the issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. The owner or operator shall provide the department with a statement from the issuing institution with each permit renewal application, noting that the letter of credit is paid and current for the period for which the applicant has

applied for permit renewal. The executed letter of credit provided to the department shall be an original, or copy thereof, that addresses the following:

(1) 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 102.410(2).

(2) 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.

(3) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date; providing the name and address of the facility; and providing the amount of funds assured must be included with the letter of credit submitted to the department.

(4) The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 102.410(3)*"d."*

(5) Payments made under the terms of the letter of credit will be deposited by the issuing institution directly into the standby trust fund. Payments from the trust fund must be authorized by the trustee pursuant to 102.410(3)*"d"*(3).

d. Trust fund. An owner or operator may demonstrate financial assurance for closure by establishing a trust fund that conforms to the requirements of this paragraph. The trust fund agreement shall be on a form prescribed by the department, and the trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The executed trust fund provided to the department shall be an original, or copy thereof, that addresses the following:

(1) The trust fund shall be in an amount least equal to the amount specified in 102.410(2).

(2) The owner or operator shall provide the department with a statement from the trustee with each permit renewal application, documenting the current value of the trust fund complies with 102.410(2).

(3) The owner or operator, department, or other person authorized to conduct closure may request reimbursement from the trustee for these expenditures 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 proper site closure. The owner or operator, or other person authorized to conduct closure, must submit to the department documentation of the justification for reimbursement and verification that reimbursement has been received.

e. Corporate guarantee. An owner or operator that satisfies the requirements of this paragraph may demonstrate financial assurance for closure by obtaining a written guarantee.

(1) Affiliation. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a substantial business relationship with the owner or operator. A certified copy of the executed guarantee must be placed in the facility's operating record along with copies of the letter from the guarantor's chief financial officer and the independent certified public accountant's opinion(s). If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm 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) Terms of the written guarantee. The guarantee must be effective and all required submissions made to the department prior to the initial receipt of waste tires or before the cancellation of an alternative financial assurance instrument, in the case of closure. The guarantee must provide that:

1. If the owner or operator fails to perform proper closure of a site covered by the guarantee, or fails to obtain alternative financial assurance within 90 days of notice of intent to cancel pursuant to 102.410(8), the guarantor will:

- Perform, or pay a third party to perform, proper closure as required (performance guarantee); or

- Establish a fully funded trust fund as specified in 102.410(3)*"d"* in the name of the owner or operator (payment guarantee);

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 pursuant to 102.410(8).

(3) The department may, based on a reasonable belief that the corporate guarantor may no longer assure the funds of the written guarantee, require at any time the corporate guarantor to provide reports of its financial condition. If a corporate guarantor can no longer assure the funds of the written guarantee, the owner or operator must submit to the department proof of alternative financial assurance within 90-days of written notification by the department.

102.410(4) *Use of multiple financial assurance instruments.* An owner or operator may satisfy the requirements of 567—102.410(455D) by establishing more than one financial assurance instrument per site, except that instruments guaranteeing performance rather than payment may not be combined with other instruments. The instruments must be a combination of those instruments outlined in 102.410(3) and must provide financial assurance for an amount sufficient to satisfy the requirements of 102.410(2).

102.410(5) *Exemption.* The requirement for financial assurance shall not apply to waste tire stockpiling or processing sites operated by a city or county or operated in conjunction with a permitted sanitary landfill.

102.410(6) *Benefit of creditors; final judgment.* The financial assurance instrument shall not be assigned for the benefit of creditors with the exception of the state and shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site.

102.410(7) *Failure to undertake closure activities.* The department shall have full rights of access to all funds existing in a permitted facility's financial assurance instrument(s), at the sole discretion of the department, if the permit holder fails to undertake closure 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 activities at the site.

102.410(8) *Financial assurance cancellation and permit suspension.*

a. A financial assurance instrument may be terminated by the owner or operator only if the owner or operator substitutes alternative financial assurance prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

b. A financial assurance instrument shall be continuous in nature until canceled by the financial assurance provider, or until the department gives written notification to the owner or operator and the financial assurance provider, that the covered site has demonstrated compliance with the applicable closure requirements. The financial assurance provider shall give at least 90 days' notice in writing to the owner or operator and to the department in the event of any intent to cancel a financial assurance instrument, as evidenced by the return receipts.

c. Within 30 days of receipt of a written notice of cancellation of a financial assurance instrument, the owner or operator must provide the department with proof of alternative financial assurance or notice from the issuing institution of withdrawal of the cancellation. If a means of continued financial assurance is not provided within the 30-day time frame, the department shall suspend the permit.

d. The owner or operator shall perform proper closure within 30 days of the permit suspension, termination, revocation, or expiration. For the purpose of this subrule, proper closure means removal of all waste tires and related products from the site or facility through acceptable disposal or processing options.

e. If the owner or operator does not properly close the site within the 30-day period allowed, this shall constitute a failure to perform and the department shall file a claim with the financial assurance instrument provider to collect the amount of funds necessary to properly close the site prior to the expiration of the 90-day notice period.

f. Any financial assurance instrument provided to the department must remain in continuous effect until the department gives written notification to the owner, operator, and financial assurance provider that the covered site has been properly closed. An owner or operator who elects to terminate a permitted activity, whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit within 30 days of the termination of the permit a schedule for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination of the permit.

g. The department may request payment from any financial assurance provider for the purpose of completing proper site closure when the owner or operator declares an economic inability to comply with this rule either by sending written notification to the department or through an action such as but not limited to filing for bankruptcy.

567—102.411(455D) Beneficial use of waste tires.

102.411(1) *Role of the department.* In order to ensure that proposed uses of whole or processed waste tires do not pose a threat to the environment or to the public health, welfare, and safety, the department shall have the authority to determine if a proposed use is beneficial and shall have the authority to approve or deny applications if such a benefit is not evident. Proposed beneficial uses in which the primary purpose of the project is as a land disposal mechanism shall not be approved.

102.411(2) *Beneficial uses for whole waste tires.* The following applications shall be considered acceptable beneficial uses for whole waste tires:

a. Tire swings, sandboxes, or other equipment for child play areas on residential lots or at schools, care centers, and recreational areas;

b. Dock bumpers at vehicle loading/unloading docks or marine docks;

c. Crash barriers at racetracks;

d. Agricultural uses to hold down covers over hay, silage, and other agricultural commodities. When not in use, the tires should be neatly stacked.

102.411(3) *Required notifications and approval for whole waste tire uses.* Prior to the installation or placement of waste tires for a beneficial use as allowed in 102.411(2), the owner or operator of the site of end use shall properly notify or seek approval from the department for the proposed beneficial use under the following circumstances. These circumstances apply to the total combined amount of waste tire material that already is, or is intended to be, used at the site:

a. For applications of less than 250 whole waste tires, notification to the department is not required.

b. For applications of 250 to 500 whole waste tires, the department shall be notified in writing no less than 30 days prior to the construction or placement of waste tires for a proposed beneficial use, with the following information provided:

(1) The name, address, and telephone number of the owner, operator, or individual responsible for the beneficial use application at the site of end use;

(2) The address of the site of beneficial end use;

(3) The estimated total number of waste tires to be used;

(4) A description of the beneficial use application;

(5) A project timeline, including proposed project start and end dates; and

(6) A statement that explains how the site owner shall properly dispose of such waste tires in the event that the beneficial use is discontinued or dismantled.

c. For applications of more than 500 waste tires, approval by the department shall be obtained prior to any such applications. Approval requests shall be made to the department in writing and shall contain all information as requested in 102.411(3)*"b,"* as well as a scaled plan of the site of end use with areas noted where whole waste tires are to be placed, including locations of the site of end use property lines and the location of any structures within 300 feet of the site of end use.

102.411(4) *Prevention of public health risks for whole waste tire uses.* All beneficial uses of whole waste tires as approved in this rule shall have incorporated into their design and construction

measures to prevent the retention and stagnation of water in the event that such conditions are likely to exist. These measures shall include, at a minimum, the piercing or drilling of holes in whole waste tires to allow for water drainage. Such measures shall be designed to minimize risks to public health and safety caused by the breeding of disease-carrying insects and rodents.

102.411(5) *Beneficial uses for processed waste tires.* This subrule establishes acceptable beneficial uses for waste tires that have been processed and required design criteria that shall be observed in the placement of processed waste tires at the site of end use. The following applications shall be considered acceptable beneficial uses for processed waste tires:

a. On-site wastewater treatment and disposal system construction, to include use of processed waste tires in lateral trenches and as fill to cover distribution pipes under the following conditions:

(1) The on-site wastewater treatment and disposal system is constructed and permitted according to the requirements of 567—Chapter 69;

(2) Processed waste tires used in the system have a minimum dimension of one inch on any one side and a maximum dimension of three inches on any one side; and

(3) The administrative authority responsible for issuance of the permit approves the beneficial use. The authority shall have the sole discretion to deny use of processed waste tires in system construction based on any engineering or design principle concerns.

b. Lightweight fill in public roads, public road embankment construction, and other public civil engineering applications if all of the following conditions are met:

(1) The waste tire pieces are of uniform composition and sizing;

(2) The waste tire pieces are not mixed with other solid wastes, vegetation, composted materials, or other processed waste tire products, including separated tire bead wire, steel cording, or nylon fibers;

(3) The waste tires are not placed in direct contact with surface water or groundwater;

(4) The processed waste tires are isolated from overburden materials by a protective membrane or liner to prevent intrusion and settling of overburden; and

(5) An Iowa-licensed professional engineer designs and supervises the incorporation of processed waste tires.

c. Structural foundation drainage material used in a project as approved through a local building permit.

d. A bulking agent for composting operations at permitted composting facilities, with processed waste tire pieces no larger than three inches on any one side.

e. Leachate drainage medium at a permitted sanitary landfill, provided that the medium meets engineering and design requirements for the landfill's operating permit pursuant to 567—Chapter 101, Divisions I through IV.

f. Agricultural uses to hold down covers over hay, silage, and other agricultural commodities.

g. Traffic control devices for use in public roadway construction projects.

h. Portable surfaces manufactured from tire sidewalls or tread.

i. Tire sidewalls used for underturf water conservation and turf growth enhancement systems at golf courses.

102.411(6) *Requests for approval of other beneficial use applications.* The department shall have the authority to approve or deny requests for beneficial use applications for waste tires and waste tire material not specifically addressed within this rule. Requests for such use determinations shall be made to the department on a form prescribed by the department. The department may request project descriptions and supporting scientific and engineering data to determine if a request for a beneficial use determination is warranted. The department shall have the sole authority to deny a beneficial use request if the department determines that any one of the following conditions exists:

a. The requested beneficial use application poses a risk to the environment or to the public health, welfare, and safety;

b. The requested beneficial use application is determined to have the primary purpose as a land disposal mechanism, and any beneficial use would be incidental in nature; or

c. The requested beneficial use application would not be in accordance with other applicable federal, state, or local laws, regulations, and ordinances.

102.411(7) *Storage of waste tires prior to beneficial use.* Waste tires to be used for a beneficial use may be stored at the site of end use, subject to the following requirements:

a. Such waste tire materials shall be stored for no longer than 60 days prior to the date of application, except for whole waste tires for agricultural uses as specified in 102.411(2)*"d."*

b. All storage of such waste tire materials shall be conducted in accordance with the uniform fire code and the requirements of 102.409(3) and 102.409(4)*"c"* as applicable.

c. Any storage of waste tires associated with a proposed beneficial reuse project at a site of end use for longer than 60 days without implementation of completion of a beneficial reuse project shall be subject to the waste tire storage permitting requirements as contained in 567—102.407(455D).

These rules are intended to implement Iowa Code sections 455D.11, 455D.11A, 455D.11B, and 455D.11I.

567—102.412 to **102.499** Reserved.

DIVISION VI
SPECIAL WASTE AUTHORIZATIONS

567—102.500(455B,455D) Purpose. The purpose of this chapter is to implement Iowa Code section 455B.304 by providing rules for the disposal of special waste.

567—102.501(455B,455D) Applicability.

102.501(1) This division shall apply to generators of special waste and municipal solid waste landfills that accept special waste. No special wastes shall be delivered to or accepted by a MSWLF unless disposal is authorized by a special waste authorization (SWA) issued by the department or is general special waste pursuant to 567—102.508(455B,455D). Wastes for which an SWA has been issued shall be disposed of in accordance with the instructions, conditions, and limitations contained in the SWA. Any amendment requests shall be handled under these rules.

102.501(2) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.502(455B,455D) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall apply to Division VI of this chapter.

567—102.503(455B,455D) Restrictions. Special wastes regulated by this division shall comply with the following provisions.

102.503(1) The waste shall not contain free liquids.

102.503(2) The waste shall not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the federal Resource Conservation and Recovery Act (RCRA).

102.503(3) Wastes with PCB concentrations equal to or greater than 50 ppm shall not be authorized for disposal at an MSWLF unless the waste is defined as PCB bulk product waste in 40 CFR 761.3.

102.503(4) Wastes that are used beneficially at an MSWLF are not special wastes.

567—102.504(455B,455D) Issuance of SWA.

102.504(1) Generators of special waste shall initiate an application for a SWA by providing the following to the receiving MSWLF.

a. Appropriate chemical analysis of the waste,

b. Description of the process that generates the waste and verification that no RCRA listings in 40 CFR 261 apply,

c. Toxicity characteristic leaching procedure (TCLP) test results when appropriate, which show that none of the federal limits in 40 CFR Part 261 are exceeded,

d. Physical form of the waste,

e. Weight or volume of the waste,

f. Safety data sheet (SDS) for the waste or for the materials from which the waste is generated, if applicable,

g. A description of the review of the alternatives to landfilling for each waste for which an SWA is requested, including details as to the extent the waste could be recycled, reduced, or reused so that landfilling is not necessary, and

h. Any other information requested by the department or the MSWLF.

102.504(2) The receiving MSWLF shall review the submitted materials. If after review it is determined that the waste is a special waste and the MSWLF is willing to accept the waste, the MSWLF shall develop a special waste acceptance criteria (SWAC) that includes instructions for disposal of waste. The MSWLF shall submit the SWAC and materials provided by the waste generator to the department for approval.

102.504(3) An SWA may be issued for a period not to exceed three years.

102.504(4) The holder of an SWA must apply for a renewal prior to the expiration of the SWA.

102.504(5) The department may revoke an SWA for cause at any time. Such cause may include but is not limited to evidence that indicates that the characteristics of the authorized quality of the waste vary from the authorized values, evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA or the MSWLF's SWAC.

102.504(6) The issuance of an SWA does not obligate any waste disposal facility to accept the waste nor does it preclude the facility from imposing conditions or restrictions other than those listed in the SWA.

102.504(7) The issuance of an SWA does not exempt the waste generator or the MSWLF from any local, state, or federal laws or regulations.

567—102.505(455B,455D) MSWLF responsibilities.

102.505(1) MSWLFs shall submit special waste acceptance criteria to the department with each special waste request.

102.505(2) MSWLFs are required to ensure that special wastes delivered to the facility conform to the SWAC on file with the department.

102.505(3) Each MSWLF shall provide to the department, on a quarterly basis, a report of SWA activity including each SWA number and the quantities of waste disposed of during the reporting period. This information shall be submitted on a form prescribed by the department.

567—102.506(455B,455D) Special waste generator responsibilities. Special waste generator responsibilities shall include the following in addition to any requirements in the SWA or SWAC.

102.506(1) The generator shall adhere to the solid waste management hierarchy unless otherwise approved in an SWA. Alternatives include volume reduction at the source; recycling and reuse, including composting and land application; and other approved techniques of solid waste management including but not limited to combustion with energy recovery and combustion for waste disposal.

102.506(2) The generator shall ensure that waste regulated by a SWA arrives at the receiving MSWLF as a separate load and is not commingled with any other waste.

102.506(3) The generator shall make a waste determination as required by federal regulations and submit it and analytical results supporting an SWA to the MSWLF at a frequency to be determined by the MSWLF.

102.506(4) The generator must contact the designated MSWLF for instructions on delivering the waste and instructions for adhering to the MSWLF's SWAC.

102.506(5) The generator shall notify the department and MSWLF, prior to disposal, of any change in the characteristics of the special wastes being disposed.

102.506(6) Generators shall notify the MSWLF in writing when a one-time disposal under an SWA has been completed. This requirement is for one-time disposals only.

567—102.507(455B,455D) Additional requirements for specific types of special wastes.

102.507(1) *Sewage sludge.* Sewage sludge, including stabilized septic tank pumpings, shall not be disposed of in a MSWLF if it meets the criteria for Class I or II sewage sludge in 567—Chapter 67, except for use in daily, interim, or final cover according to the approved plan for the landfill. Class III sewage sludge may be disposed of at a MSWLF if stabilized according to 567—Chapter 67.

102.507(2) *Infectious waste.* Infectious waste may be placed with municipal solid waste if it is rendered nonpathological; it does not contain free liquids; and sharps are shredded, blunted, granulated, incinerated, or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the MSWLF that infectious waste is being placed with the regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this rule.

567—102.508(455B,455D) Conditions and requirements for the disposal of general special wastes. Disposal of general special waste shall be in accordance this rule. An SWA is not required for general special wastes. The following wastes are approved as general special wastes: asbestos-containing material (ACM), stabilized grit, bar screenings, and grease skimmings.

102.508(1) *Asbestos-containing material.* The MSWLF permit holder shall comply with the following conditions and requirements whenever asbestos-containing waste materials are accepted and disposed of in an MSWLF.

a. ACM wastes with 1 percent or less asbestos can be disposed of at the working face.

b. ACM wastes that contain greater than 1 percent asbestos are regulated under federal asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall be managed in accordance with federal regulations defined in 40 CFR Part 61, Subpart M. Testing to determine asbestos content shall utilize the method specified in 40 CFR Part 763, Section 1, Subpart F, Appendix A.

c. Upon arrival at the MSWLF, the transporter shall present to the landfill operator the ACM waste shipment records, which shall include a determination whether the ACM waste is friable or nonfriable, if known. The landfill operator must through visual inspection or testing verify whether the ACM waste is friable or nonfriable. If the waste is friable or the inspection or testing cannot verify that the ACM is nonfriable, the waste must be handled as friable ACM waste.

d. Any federal NESHAP-regulated ACM waste shipments that show evidence of visible dust emissions or that are not properly containerized, wrapped, wetted, and covered shall be rejected upon arrival at the landfill.

e. ACM wastes with greater than 1 percent asbestos content that are nonfriable when received at the landfill may be disposed of at the working face. Care shall be taken when unloading and covering the waste so that it does not become friable at the working face.

f. ACM wastes with greater than 1 percent asbestos content that are confirmed as friable when received at the landfill shall be disposed of in an area separate from the regular working face. The wastes shall be covered carefully with a minimum of six inches of soil cover and compacted by no later than the end of the operating day. Care shall be taken at all times during disposal and covering to prevent rupture of asbestos-containing containers and wrapped waste systems. Covered ACM waste areas shall be protected from erosion at all times.

g. Upon delivery, friable ACM wastes must be wet and contained in labeled, leak-tight containers or wrapping that prevents asbestos from becoming airborne. Bulk demolition wastes with

friable ACM need not be placed in leak-tight containers but must remain wet at all times and be properly labeled and wrapped to prevent asbestos from becoming airborne during transport and disposal and covering at the landfill.

h. Care shall be taken at all times when transporting, depositing, and covering federal NESHAP-regulated ACM waste to control the evolution of dust and airborne asbestos fibers and to not allow the rupture of asbestos containers and wraps.

i. After landfill acceptance, if any federal NESHAP-regulated ACM waste becomes dry prior to disposal, rewetting or an approved alternative means of dust emissions control is mandatory. When disposed of, the wet ACM waste must be properly covered before it can dry again.

j. In the event that any visible dust emissions from federal NESHAP-regulated ACM waste occur, protective safety equipment, consistent with federal NESHAP and OSHA regulations, shall be immediately utilized by landfill operating staff.

k. Daily records of the acceptance and disposal of all ACM wastes shall be maintained. Landfill records for each NESHAP-regulated ACM waste shipment shall include the following:

(1) The date of ACM waste receipt.

(2) The names, addresses, and telephone numbers of the originating waste generation site, facility owner, agent responsible for performing removal and the waste transporter.

(3) The description of ACM wastes, quantity in cubic yards, weight and the number and type of containers or systems received.

(4) The waste shipment record and any accompanying asbestos content laboratory test and friable status documentation.

(5) The operational log notation relative to the landfill operator's visual confirmation of waste type compared to waste shipment records and the friable or nonfriable status for each federal NESHAP-regulated ACM waste shipment.

(6) The operational log notation of any rejected ACM waste and the reasons for rejection by landfill staff.

(7) The site operational area, coordinates location, and vertical elevation keyed to site mapping and the quantity of buried waste in cubic yards for each federal NESHAP-regulated waste shipment disposed of within the disposal site.

l. Records for all federal NESHAP-regulated ACM wastes accepted at the landfill in accordance with 40 CFR Part 61, including required federal and state asbestos NESHAP program operational and site closure reports, shall be maintained. All records, except for waste shipment records, shall be maintained through site closure. Waste shipment records shall be retained for at least two years.

m. A copy of an Affidavit Explanatory of Title that has been file stamped by the county recorder shall be submitted to the department within 60 days of site closure. The affidavit shall appear at part of the property deed record and shall indicate that:

(1) The landfill has been used for the disposal of ACM waste.

(2) The survey plot and all records of the location and quantity of regulated ACM wastes have been filed with federal and state NESHAP program officials. Such documentation must be filed with the department, along with the notification.

(3) The site is subject to the regulations under 40 CFR Part 61, Subpart M, and the site closure permit requirements issued by the department.

n. Strict adherence to federal NESHAP asbestos regulations under 40 CFR Part 61 is mandatory for all federal regulated ACM wastes.

102.508(2) *Stabilized grit, bar screenings, and grease skimmings.* The MSWLF operator, the generator, and the hauler shall comply with the following conditions and requirements whenever stabilized grit, bar screenings, or grease skimmings are disposed of in a MSWLF.

a. The generator shall stabilize the grit, bar screenings, and grease skimmings prior to their disposal at the landfill in order to destroy any pathogenic organisms. Stabilization shall be done by

addition of lime to raise the pH to at least 12 for two hours. In lieu of stabilization for bar screenings, a system that flushes organic matter then dewaters and bags the screenings may be utilized.

b. The generator shall prearrange a delivery schedule with the landfill operator.

c. Upon arrival at the landfill, the hauler shall identify the waste to the landfill attendant.

d. The landfill operator shall direct the hauler to the working face.

e. The waste shall be deposited at the working face, covered with regular refuse or soil and compacted.

These rules are intended to implement Iowa Code section 455B.304.

567—102.509 to **102.599** Reserved.

DIVISION VII
DISCARDED APPLIANCE DEMANUFACTURING

567—102.600(455D) Purpose; applicability; compliance. This chapter is to ensure the proper removal and disposal of electrical parts containing polychlorinated biphenyls (PCBs), components containing mercury, and refrigerants (e.g., CFCs and HCFCs) from discarded appliances.

102.600(1) All discarded appliances must be demanufactured pursuant to this division before being disposed of or recycled. This division does not apply to the service, repair, reuse, or rebuilding of appliances or components for their original purpose. These rules do not apply to the removal of capacitors, refrigerants, or components containing mercury during the maintenance or service of equipment containing such items.

102.600(2) Compliance with this division in no way relieves the appliance demanufacturer of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.600(3) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.601(455B,455D) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 apply to this division.

567—102.602(455D) Storage and handling of appliances prior to demanufacturing.

102.602(1) Any person collecting and storing discarded appliances must store the appliances so as to prevent electrical capacitors, refrigerant lines and compressors, and mercury-containing components from being damaged and allowing a release into the environment.

102.602(2) No method of handling discarded appliances may be used that in any way damages, cuts, or breaks refrigerant lines; crushes compressors, capacitors, or mercury-containing components; or may cause a release of refrigerant, PCBs, or mercury into the environment.

102.602(3) No more than 1,000 discarded appliances may be stored at a location prior to demanufacturing.

102.602(4) Discarded appliances may not be stored for more than 270 days before being demanufactured.

567—102.603(455D) Appliance demanufacturing permits.

102.603(1) *Permit required.* A person must obtain a Solid Waste Management permit pursuant to 567—subrule 100.4(2) for appliance demanufacturing from the department before conducting any demanufacturing activities.

102.603(2) *Types of permits.*

a. A person may request a permit that excludes appliances that contain a particular type of material (e.g., refrigerants, sodium chromate, PCBs, or mercury switches). Persons may not demanufacture or place their unique mark on an appliance that once contained a material that is excluded from their permit. An appliance demanufacturing facility must clearly post the types of appliances the facility does not accept.

b. Permits may be issued for both fixed facilities and mobile operations.

102.603(3) *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 review whether 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. The department may issue a permit on a trial basis. After review of the permit application or a trial period, the department may require financial assurance as a condition of a permit. Any such condition will be consistent with those types detailed in Iowa Code section 455B.301(9).

567—102.604(455D) Appliance demanufacturing permit application requirements. In addition to the permit application requirements in 567—100.5(455B,455D), the applicant shall submit the following:

1. Type, source and expected number or weight of appliances to be handled per year.
2. For a fixed facility, schematic site plans of the facility, including the schematic floor plans of any buildings showing where activities will take place and where waste is stored.
3. For mobile operations, schematic plans, or a description and photographs of the mobile van or trailer.
4. The EPA-approved refrigerant removal equipment that will be used.
5. Operation plan: a detailed summary of the activities that will be performed on each type of appliance considered for demanufacturing. This summary must include step-by-step activities of the demanufacturing process.
6. A contingency plan detailing the specific procedures to be used in case of equipment breakdown or fire, including methods to be used to remove or dispose of accumulated waste.
7. A copy of the NPDES Stormwater General Permit Authorization number, if applicable.
8. A copy of EPA Notification of PCB Activity Form 7710-53 and a return response from EPA.
9. Documentation showing compliance with 567—102.606(455D).
10. A copy of the unique mark to be applied to each discarded appliance after demanufacturing.
11. Documentation that a permanent appliance demanufacturing facility meets local zoning requirements.

567—102.605(455D) Operations. The following removal and disposal requirements must be met by both fixed facilities and mobile operations.

102.605(1) Demanufacturing of appliances must take place on an impervious floor, including but not limited to concrete, ceramic tile, or metal, but not including wood. Any spills must be contained and picked up with proper equipment and procedures and be disposed of properly.

102.605(2) The point of demanufacturing must be located at least 50 feet from a well and any water of the state.

102.605(3) The facility must be located above the 100-year floodwater elevation.

102.605(4) A permanent facility must meet local zoning requirements.

102.605(5) Every operation must have a unique mark that signifies all refrigerants, PCB-containing articles, and mercury-containing components have been removed. The unique mark must be a minimum of nine inches by nine inches. The unique mark must be applied to appliances after demanufacturing.

567—102.606(455D) Training.

102.606(1) At least one owner or employee of an appliance demanufacturing facility must have a training certificate from a department-approved demanufacturer training course. A person who has completed the department-approved training course must be on site at all times when discarded appliances are being demanufactured.

102.606(2) To be approved by the department, the training must, at a minimum, cover the following topics.

a. State and federal regulations for the removal, storage, transportation, and disposal of refrigerant, PCB-containing articles, and mercury-containing components from appliances.

b. Recordkeeping requirements.

c. Safety precautions for handling appliances and hazardous materials.

d. Spill prevention and cleanup procedures appropriate for appliance demanufacturing.

e. The proper methods of loading and unloading discarded appliances.

f. General demanufacturing procedures.

567—102.607(455D) Refrigerant removal requirements.

102.607(1) All demanufacturers of refrigerant containing appliances shall comply with 40 CFR 82.155 as amended March 7, 2025.

102.607(2) The removal of refrigerant from refrigeration appliances must take place in an area where the temperature of the surrounding air and of the appliance being demanufactured is 45°F or greater.

102.607(3) Facilities that are not EPA-certified refrigerant reclaimers must transport recovered refrigerant to an EPA-certified reclamation facility or properly dispose of the refrigerant at an EPA-permitted facility. Reclamation may take place on site only if the appliance demanufacturing facility is certified as a reclaimer by the EPA.

102.607(4) The following rules apply to the demanufacturing of appliances containing compressor oil.

a. Compressor oil from refrigeration unit compressors may be removed during the demanufacturing process, and any oil removed must be stored in accordance with 40 CFR 279.22 as amended March 3, 2025.

b. Compressor oil is not hazardous and may be burned in used oil-fired space heaters, provided the heaters have a capacity of 0.5 British thermal units (BTUs) per hour or more.

c. Compressor oil may be sold to a marketer of used oil.

102.607(5) The following rules apply to the demanufacturing of ammonia gas-operated refrigerators and air conditioners.

a. Ammonia gas must be vented into water.

b. Sodium chromate must be removed from refrigeration equipment containing sodium chromate.

c. Sodium chromate liquid is a hazardous waste and must be disposed of at an EPA-permitted facility.

d. Removal of sodium chromate liquid must take place on an impervious surface. In case of a spill, the spilled liquid and the material used as absorbent must be handled as a hazardous waste and disposed of as a hazardous waste.

e. Sodium chromate must be stored in a department of transportation-approved (DOT-approved) container that shows no sign of damage. The container must be labeled with a proper EPA-approved chromium label stating “chromium” or “hazardous waste” as required by 40 CFR 262.32 as amended March 3, 2025, and 49 CFR 172.304 as amended March 3, 2025, in both English and the predominant language of any non-English-reading workers.

f. Prior to shipment, sodium chromate must be packaged to prevent leakage and all containers must be sealed.

g. A person generating sodium chromate waste must maintain records to determine if the person is a very small quantity generator (VSQG), small quantity generator (SQG), or large quantity generator (LQG) of hazardous waste.

567—102.608(455D) Mercury-containing component removal and disposal requirements.

102.608(1) All components containing mercury shall be removed from appliances. Precautions shall be taken to prevent breakage of the mercury-containing components and the release of mercury.

102.608(2) All mercury-containing component storage containers must be labeled with the proper EPA-approved mercury label stating: "Universal Waste—Mercury Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment" in both English and the predominant language of any non-English-reading workers.

102.608(3) The date when the first mercury-containing component was placed in the container shall be affixed to the container.

102.608(4) Mercury-containing components may be stored for no longer than one year.

102.608(5) Accumulation of mercury-containing components shall not exceed 5,000 kg (11,025 lbs) at any time.

102.608(6) All mercury containers must be sealed prior to shipment.

102.608(7) All components containing mercury must be disposed of at an EPA-approved mercury recycling/recovery facility.

102.608(8) Fluorescent tubes, lamps, bulbs, and similar items must be placed in a container and packaged to prevent breakage for shipment to an EPA-approved recycler or must be processed in a manner that complies with state and federal regulations.

102.608(9) All mercury-containing components must be managed in accordance with 40 CFR 273 as amended March 3, 2025, and all state and federal regulations.

567—102.609(455D) Capacitor removal requirements.

102.609(1) All capacitors must be removed from discarded appliances unless the appliance manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance.

102.609(2) Capacitors that meet one or more of the following criteria may be disposed of or recycled as solid waste. The capacitor:

a. Is proven to be free of PCBs by an approved laboratory.

b. Is imprinted by the manufacturer with the words "No PCBs" on the body of the capacitor.

c. Is certified in writing by the manufacturer of the capacitor not to contain PCBs.

d. Does not contain dielectric fluid.

102.609(3) The following rules apply to the storage and disposal of PCB-containing items. PCB-containing items must be stored and transported according to the Toxic Substances Control Act (TSCA) and 40 CFR 761 as amended March 3, 2025, and disposed of at a TSCA-permitted disposal facility. Facilities used for the storage of PCB-containing items designated for disposal must meet the following storage requirements:

a. Facilities shall register with the EPA and receive an EPA identification number.

b. PCB-containing items must be stored in a manner that provides adequate protection from the elements and adequate secondary containment. This storage must take place on an impervious material above the 100-year floodwater elevation.

c. The point of demanufacturing must be located above the 100-year floodwater elevation.

d. All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container that shows no signs of damage. The bottom of the container must be filled to a depth of two inches with absorbent material such as sand, oil-dry, or kitty litter.

e. All DOT-approved containers must be affixed with the large PCB mark as described in 40 CFR 761.45 as amended March 3, 2025.

f. The date when the first PCB-containing item was placed in the container shall be placed on the container.

g. Nonleaking small PCB capacitors may be stored for up to 30 days from the date of removal in an area that does not comply with the requirements in 102.609(4)*"a"* through *"f"* provided a notation is placed on the PCB capacitor indicating the date the item was removed from the appliance.

h. PCB-containing items may be stored for no more than 270 days. The storage area must be labeled with the PCB $M_L$mark. The storage area must be inspected every 30 days, and the inspection must be documented.

i. If a demanufacturer stores more than 45 kg (99.4 lbs) at any one time, the demanufacturer must maintain annual written records and the annual document log as required by 40 CFR 761.180 as amended March 3, 2025.

102.609(4) All capacitors not meeting the criteria in 102.609(2) must be disposed of as follows:

a. Appliance demanufacturers may dispose of PCB capacitors by one of two means. If the facility is a VSQG, the demanufacturer may send the properly marked and dated container of capacitors to a regional collection center (RCC) licensed under 567—Chapter 103 for disposal. If the facility is not a VSQG, the capacitors must be manifested and shipped for disposal in accordance with 40 CFR 761.65 as amended March 3, 2025.

b. Disposal through an RCC. Shipments from a VSQG to an RCC shall be considered equivalent to disposal as municipal solid waste for the purposes of 40 CFR 761.60(b)(2)(iii) as amended March 3, 2025; capacitors may not be disposed of in a landfill. An RCC may accept PCB capacitors without having to provide a certificate of disposal. The RCC shall provide the appliance demanufacturer with a receipt specifying the name of the RCC, the appliance demanufacturer from which the capacitors were received, the weight or number of capacitors, and the date the capacitors were received. Copies of this document must be retained for three years at both locations. The date that capacitors are received shall be considered the date the capacitors are determined to be PCB-containing waste for the purposes of 40 CFR 761.65(a)(1) as amended March 3, 2025. Capacitors may be consolidated in DOT-approved shipping containers for transport for disposal.

c. Disposal through EPA-approved facility for the disposal of PCB waste. The labeled and dated DOT-approved container must be transported by a transporter with a valid EPA identification number, using an EPA Uniform Hazardous Waste Manifest Form. All containers must be sealed prior to shipment. The demanufacturer has one year from the date the first PCB-containing item is placed in the container to properly dispose of the contents by incineration, recycling, or another approved method pursuant to 40 CFR 761.60(b) as amended March 3, 2025, or 761.60(c) as amended March 3, 2025. Disposal must be documented and the record kept by the demanufacturer for three years from the date the PCB-containing waste was accepted by the initial transporter.

d. PCB-containing items shall be properly disposed of within one year of removal from the appliance. The generator shall obtain a certificate of disposal within 30 days of the date that disposal of the PCB-containing items was completed at a PCB disposal facility. If a certificate of disposal is not obtained within 30 days, the EPA regional administrator must be notified pursuant to 40 CFR 761.218(d) as amended March 3, 2025.

567—102.610(455D) Spills.

102.610(1) Any spills from leaking or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and soil into a container for shipment to an EPA-approved waste disposal facility. Spills of liquid PCBs that occur outside a DOT-approved container must be cleaned and the cleanup verified by sampling as described at 40 CFR 761.130 as amended March 3, 2025. Detailed records of such cleanups and sampling must be maintained as described at 40 CFR 761.180 as amended March 3, 2025.

102.610(2) Mercury spill kits (with a mercury absorbent in the kits) must be on hand and used in the event of a mercury spill. Any waste from the cleanup of a mercury spill must be disposed of as a hazardous waste.

102.610(3) In the event a spill results in a hazardous condition, the facility must follow the requirements in 567—Chapter 105, Division I.

567—102.611(455D) Recordkeeping and reporting.

102.611(1) Annual reports with the information required in 102.611(2) are:

a. To be submitted to the solid waste and contaminated sites section of the department's main office;

b. Due January 31 each year for the activities of the previous calendar year;

c. To be submitted on forms provided by the department; and

d. To be retained by the permit holder for at least three years.

102.611(2) Annual reports shall contain the following information for the previous calendar year.

a. Number of appliances demanufactured in each of the following categories:

(1) Refrigerators and freezers.

(2) Commercial coolers.

(3) Air-conditioning units.

(4) Dehumidifiers.

(5) Gas water heaters.

(6) Furnaces.

(7) Clothes washers and clothes dryers.

(8) Dishwashers.

(9) Microwave ovens.

(10) Other items containing mercury, refrigerant or PCB-containing articles.

b. Number of mercury switches removed from appliances.

c. Number of mercury thermocouples removed from appliances.

d. Date the first item was placed in the mercury storage drum that is in use on December 31.

e. Number of fluorescent tubes removed from appliances.

f. Number of sodium chromate-containing appliances shipped to another demanufacturer.

g. Amount of refrigerant removed.

h. Number of PCB capacitors removed.

i. Number of PCB ballasts removed.

j. Date the first PCB-containing item was placed in the storage drum that is in use on December 31.

102.611(3) A permitted appliance demanufacturing facility shall retain the following records on site for a minimum of three years.

a. All hazardous waste manifests and bills of lading for shipments of refrigerant, mercury switches, PCB-containing materials, and any hazardous waste.

b. Receipts for any sodium chromate-containing units that were sent to another facility for processing.

c. Documentation of destruction or receipt from a regional collection center for all PCB materials shipped.

d. Documentation of inspections of the PCB storage area as required by 102.607*"h."*

e. Annual written records and annual document log if required by 102.607(4)*"i."*

f. Copy of the annual report as required in 102.609(1).

567—102.612(455D) Appliance demanufacturing facility closure requirements. In addition to the requirements in 567—100.10(455B), an appliance demanufacturing facility shall do the following prior to closure:

1. Remove all appliances that have not been demanufactured.
2. Properly dispose of all refrigerant, PCBs, mercury, and all hazardous materials.
3. Submit an annual report covering January 1, through the last disposal of hazardous materials, PCBs, and refrigerant.

567—102.613(455D) Shredding of appliances.

102.613(1) Facilities shredding demanufactured appliances shall sample the fluff from the shredding of demanufactured appliances at least quarterly and analyze the fluff for the presence of PCBs, and according to the TCLP for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. The waste shall be sampled once a day for seven consecutive working days to make a composite sample. If the concentrations of heavy metals do not exceed concentrations listed in 40 CFR 261.24 as amended March 3, 2025, the fluff may be landfilled in Iowa. Results must be retained on site for a minimum of three years and be submitted to the department within 30 days of the end of each quarter.

102.613(2) Fluff from the shredding of demanufactured appliances may be sampled and tested by the department at any time.

102.613(3) A person or facility engaged in demanufacturing in the state may not shred, crush, or bale any appliances that have not been demanufactured. A person or facility located in Iowa that does not engage in demanufacturing but accepts appliances from demanufacturers for recycling or disposal may shred, crush, or bale only appliances that have been demanufactured in accordance with federal regulations and the laws of the state from which the appliances are received.

These rules are intended to implement Iowa Code section 455D.6(4).

567—102.614 to **102.699** Reserved.

DIVISION VIII
CATHODE RAY TUBE RECYCLING

567—102.700(455D) Purpose. The purpose of this division is to implement rules for the recycling of discarded CRTs and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

567—102.701(455D) Applicability and compliance. This division applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This division does not apply to CRTs collected for disposal.

102.701(1) This division applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

102.701(2) This division does not apply to CRT reuse activities, CRT service and repair activities, or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

102.701(3) The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

102.701(4) All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this division. If there is a conflict, the more stringent regulation applies.

102.701(5) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.702(455D) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 and chapter 455D shall apply.

567—102.703(455D) Short-term CRT collection events. All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

102.703(1) Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

102.703(2) During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor, and walls, or

b. In a container that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

102.703(3) During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

567—102.704(455D) Registration for CRT collection facilities. A CRT collection facility shall register with the department using a form provided by the department.

102.704(1) The registration application shall include proof of the applicant's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.

102.704(2) Registration will expire March 1 of each year if renewal has not been made and approved.

102.704(3) Annual registration renewal occurs by complying with the reporting requirements in 567—102.710(455D). Once a complete report is received and confirmed complete in writing by the department, the facility's registration will be renewed until March 1 of the following year.

102.704(4) The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:

a. The registration application is incomplete.

b. There is a violation of a requirement of this division, including but not limited to failing to submit accurate and timely reports as required in 567—102.710(455D).

c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this division.

d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this division within the time frame established in the agreed order.

e. The permittee has lost legal entitlement to use the property identified in the registration.

f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.

567—102.705(455D) CRT recycling facility permits.

102.705(1) *Permit required.* A CRT recycling facility shall not be operated without a solid waste management permit for CRT recycling from the department as per 567—subrule 100.4(2).

102.705(2) *Notification of change in status.* CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

102.705(3) *Denial or revocation of permit.* The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:

a. The department has revoked the applicant's previous permit under this division.

b. There is a violation of a requirement of this division or a condition of the permit.

c. There is a failure to disclose all relevant facts in obtaining a permit under this division.

d. There is a misrepresentation made in obtaining a permit under this division.

e. There is a misrepresentation in the annual report required in 567—102.710(455D).

f. The permittee fails to meet the requirements for a permit.

g. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this division within the time frame established in the agreed order.

h. The permittee has lost legal entitlement to use the property identified in the permit.

i. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

102.705(4) *Permit conditions.* The department may place conditions on any permit deemed necessary by the department to ensure compliance with this division and to protect human health and the environment.

102.705(5) *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility 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.

102.705(6) *Permits without expiration date.* CRT recycling permits that were issued prior to [the effective date of these rules] that do not have an expiration date will expire [five years following the effective date of these rules]. The permit holder shall file an application for renewal as per 567—paragraph 100.4(2)*"a."*

567—102.706(455D) CRT recycling facility permit application requirements. In addition to the requirements in 567—subrule 100.5(1), a CRT recycling facility permit applicant shall submit the following information to the department.

102.706(1) The physical location of any collection sites if separate from the main facility.

102.706(2) If the facility is leased, a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.

102.706(3) A brief description of the facility and the CRT processing that will take place.

567—102.707(455D) Discarded CRT management requirements. CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 260.43.

102.707(1) Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

102.707(2) Broken CRTs and processed CRT glass shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

102.707(3) Intact discarded CRTs shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

102.707(4) Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass materials" or "Leaded glass from televisions or computers. Do not mix with other glass materials." Each container shall also be labeled with the first date that material began to be accumulated in the container.

102.707(5) Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

102.707(6) Broken CRTs must be transported in a container meeting the requirements of 122.8(2).

102.707(7) CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

102.707(8) All processing of CRTs shall be processed according to 40 CFR 261.39(b).

102.707(9) Failure to comply with this rule and the referenced CFR sections is grounds for termination of any permit or registration authorized by this rule.

567—102.708(455D) Recordkeeping requirements for CRT collection facilities.

102.708(1) All CRT collection facilities shall maintain the following records on a calendar year basis:

a. The name and address of the facility receiving a shipment that left the CRT collection facility and contact information for the receiving facility.

b. The type of service the receiving facility will provide to the CRT collection facility.

c. A description of the shipment contents.

d. All bills of lading.

e. All hazardous waste manifests.

102.708(2) Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.

567—102.709(455D) Recordkeeping requirements for CRT recycling facilities.

102.709(1) All CRT recycling facilities shall maintain the following records on a calendar year basis:

a. The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.

b. The name, address, and contact information for shipments reported pursuant to 102.710(2).

c. The total aggregate weight and date of each shipment leaving the CRT recycling facility.

d. The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility, and a description of the shipment contents including all applicable bills of lading.

e. The type of service the receiving facility will provide to the CRT recycling facility.

f. All hazardous waste manifests.

102.709(2) Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.

567—102.710(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information, on a form provided by the department, to the department by February 1 of each year for the previous calendar year.

102.710(1) The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.

102.710(2) The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.

102.710(3) The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.

102.710(4) Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.

These rules are intended to implement Iowa Code section 455D.6(5).

ITEM 2. Rescind and reserve **567—Chapter 108**.

ITEM 3. Rescind and reserve **567—Chapter 116**.

ITEM 4. Rescind and reserve **567—Chapter 117**.

ITEM 5. Rescind and reserve **567—Chapter 118**.

ITEM 6. Rescind and reserve **567—Chapter 120**.

ITEM 7. Rescind and reserve **567—Chapter 121**.

ITEM 8. Rescind and reserve **567—Chapter 122**.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 103, 123, and 211
"Financial and Operating License Requirements for
Regional Collection Centers and Satellite Facilities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455F.5

State or federal law(s) implemented by the rulemaking: Iowa Code section 455E.11 and chapter 455F

Public Hearing

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

October 8, 2025	Via videoconference call
9:30 a.m.	Contact: EO10_solidwaste@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at EO10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jennifer Wright
Iowa Department of Natural Resources
6200 Park Avenue
Des Moines, Iowa 50321
Email: EO10_solidwaste@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Chapters 123 and 211 were reviewed consistent with Executive Order 10. The proposed rulemaking will rescind both chapters and place necessary language into proposed Chapter 103. The purpose of the proposed chapter is to implement financial and operating license requirements for regional collection centers and satellite facilities, which provide for the collection and proper disposal of household hazardous materials and hazardous waste from very small quantity generators.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The cost of compliance by regional collection centers and satellite facilities with household hazardous materials and hazardous waste requirements is mitigated by reimbursement from the State and fees that the regional collection centers and satellite facilities may charge for certain hazardous waste disposal. The cost of establishing collection sites may be mitigated by financial assistance from the Groundwater Protection Fund. Regional collection centers and satellite facilities collect household hazardous materials from members of the public at no charge.

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

Regional collection centers and satellite facilities benefit from the proposed chapter's direction and clarity.

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

- **Quantitative description of impact:**

Costs will remain the same under the proposed chapter. Costs expended in establishing regional collection centers and satellite facilities are offset by State financial assistance; costs associated with hazardous waste may be offset by hazardous waste disposal fees charged by the regional collection centers.

- **Qualitative description of impact:**

Costs will remain the same under the proposed chapter. Proposed Chapter 103 will be easier to read and understand because unnecessary provisions or provisions that duplicated the Iowa Code are removed. The proposed chapter has been streamlined, providing regulation of regional collection centers and satellite facilities more succinctly and clearly.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time related to administering the Regional Collection Center and Satellite Facility program.

- **Anticipated effect on State revenues:**

The proposed rulemaking will not have any effect on State revenues.

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

Costs will remain the same under the proposed chapter. The costs to the State of implementing these rules are minimal. Costs of establishing regional collection centers and satellite facilities are offset by State financial assistance; costs associated with hazardous waste may be offset by collection of fees. Inaction would jeopardize the ability of citizens and businesses in this state to safely dispose of household hazardous materials and hazardous waste.

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

The least costly and least intrusive method for achieving the implementation of the financial and operating license requirements for regional collection centers and satellite facilities, which provide for the collection and proper disposal of household hazardous materials and hazardous waste from very small quantity generators, has been determined to be the proposed rulemaking.

6. **Alternative methods considered by the agency:**

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

No alternative methods were considered.

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

Rulemaking is required to implement these provisions pursuant to Iowa Code section 455F.5.

Small Business Impact

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

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

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

Not applicable. The proposed rulemaking will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 103 and adopt the following **new** chapter in lieu thereof:

CHAPTER 103
FINANCIAL AND OPERATING LICENSE REQUIREMENTS FOR
REGIONAL COLLECTION CENTERS AND SATELLITE FACILITIES

567—103.1(455F) Purpose. The purpose of this chapter is to implement financial and operating license requirements for regional collection centers and satellite facilities that provide for the collection and proper disposal of household hazardous materials and hazardous waste from very small quantity generators. The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of regional collection centers and satellite facilities for the safe and proper management of household hazardous materials and hazardous materials from very small quantity generators. Therefore, the department may provide financial assistance for costs associated with establishing or improving regional collection centers and satellite facilities when such funding is available. The department may also provide financial assistance for ongoing collection and disposal activities that result in eligible pounds when such funding is available. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this chapter shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—103.2(455B,455D,455F) Definitions. For the purposes of this chapter, the following definitions; definitions found in 567—Chapter 100; and definitions found in Iowa Code chapters 455B, 455D and 455F shall apply:

"Applicant for regional collection center or satellite facility financial assistance" means a regional collection center or satellite facility operated by a private agency, a local government or a public agency representing local governments pursuant to Iowa Code chapter 28E.

"Eligible pounds" means household hazardous waste or hazardous waste from very small quantity generators that is disposed of or recycled by a licensed hazardous waste contractor. Very small quantity generator hazardous waste for which a regional collection center is required to charge a fee under Iowa Code section 455F.8A is considered eligible pounds if there is a corresponding disposal charge from a hazardous waste contractor. "Eligible pounds" means net weight as shown on final

disposition documents. A manifest shows an estimated weight and cannot be used to determine eligible pounds. Very small quantity generator hazardous waste or household hazardous waste that has no disposal cost, or for which regional collection centers receive compensation or charge a fee, is not eligible pounds. Materials such as cathode ray tubes, electronics, and used oil that are not destined for final disposal, but are instead recycled for reuse of components, are not eligible pounds.

"Financial assistance" means monetary assistance including grants, cash payments, or support by other financial means.

"Hazardous waste contractor" means a private company that provides proper management (e.g., disposal, recycling) of hazardous waste. "Hazardous waste contractor" does not include regional collection centers.

"Regional collection center mobile unit" or *"mobile unit"* means a truck or trailer owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to a regional collection center for sorting and consolidation.

"Very small quantity generator" means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 pounds) of non-acute hazardous waste;
2. 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 pounds) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

567—103.3(455F) Regional collection center license and license renewal. A license or license renewal will be issued under the following conditions.

103.3(1) *License.*

a. A regional collection center shall not operate without a license issued by the department. Regional collection centers in existence prior to January 14, 2019, will automatically be issued an operating license.

b. A satellite facility shall not be required to obtain a license.

103.3(2) *Compliance.* A regional collection center and satellite facility must be in compliance with current local, state and federal statutes and regulations regarding the management, storage, transportation and disposition of household hazardous materials, household hazardous waste and hazardous waste from very small quantity generators.

103.3(3) *Construction.* A regional collection center shall not be constructed without review of the site plan and written approval of the site plan by the department. The approved plans and specifications shall constitute a condition of the initial operating license.

103.3(4) *Inspection prior to commencing initial operation.* The department shall be notified before a regional collection center or satellite facility begins operations. No household hazardous materials or hazardous waste from very small quantity generators shall be accepted by the regional collection center or satellite facility until the facility has been inspected and approved by the department.

103.3(5) *Duration and renewal of license.* The initial license issued may be renewed for a period of five years. If the license applicant is a private agency under contract with a local government, the license shall not extend past the end date of the contract. An entity designated as an environmental management system pursuant to Iowa Code section 455J.7 may opt out of the license renewal requirement provided the entity is in compliance with 103.3(2) and there has been no change in the provisions of the current license. Any change in the provisions of the current license requires written notification to the department as described in 103.3(7).

103.3(6) *Request and approval of initial license or license renewal.* A new regional collection center shall file a request for a license on a form provided by the department. An established regional

collection center shall file a request for license renewal 45 calendar days prior to the expiration of the current license on a form provided by the department. The facility must be in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of its current license.

103.3(7) *License modification.* A regional collection center shall request to modify its license by notifying the department of changes to any provision of its license. A regional collection center shall notify the department within 30 calendar days of a planned change to the provisions of its license and within 7 calendar days of an unplanned change to the provisions of its license. Upon request to modify a regional collection center license, the facility must be in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of its current license.

567—103.4(455F) Site, structure, storage and staff qualifications. Regional collection centers, satellite facilities and mobile units shall each meet the following criteria.

103.4(1) *Siting.* A site selected for a regional collection center, satellite facility or mobile unit shall meet the following criteria:

a. A regional collection center, satellite facility or mobile unit used for the collection of very small quantity generator waste and household hazardous materials shall be sited on public property or on private property if an agreement exists that guarantees public access. Documentation of the private property agreement for regional collection centers and satellite facilities shall be provided to the department upon request or upon application and renewal for license.

b. The site shall provide adequate secondary containment in case of a spill or other possible on-site contamination.

c. The site shall meet all applicable zoning requirements.

d. The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.

e. Regional collection centers and satellite facilities shall each have adequate security to prevent unauthorized access. Adequate security may include but is not limited to a fence and locking gate.

f. All mobile units and the containers used to package collected materials shall comply with applicable Iowa department of transportation rules and guidelines. At each mobile unit site, the mobile unit shall rest on a pad of a chemical-resistant, impervious, smooth material that provides secondary containment in case of a spill. A temporary surface created by securing an impervious tarp to the unloading/receiving area will meet the requirements of an impervious surface. A plan for conducting mobile unit collection events must consider the possibility of inclement weather, ensure that collected household hazardous materials and very small quantity generator hazardous waste has protection from the elements and ensure that the risk of environmental contamination is minimized.

103.4(2) *Structures.* Regional collection center structures or satellite facility structures shall each meet the following criteria:

a. All structures shall be sized to adequately accommodate the collection, sorting, bulking and lab packing, packaging for disposal, and temporary storage of household hazardous materials and hazardous waste from very small quantity generators.

b. All permanent structures shall meet the requirements of applicable fire codes and building codes.

c. Regional collection center structures and satellite facility structures shall each be designed to prevent run-on entering from adjacent areas.

d. All receiving areas shall have a storage capacity of at least one day’s processing capacity. All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of a chemical-resistant, impervious, smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of sloped flooring, plastic-lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing of household hazardous materials, household hazardous waste and very small quantity generator hazardous waste shall be provided with secondary containment and protection from exposure to the weather.

103.4(3) *Storage.* All full containers of household hazardous waste and hazardous wastes from very small quantity generators must be stored in a building designed in accordance with Group H occupancy requirements and local, state and federal fire codes. It is required that hazardous waste or household hazardous waste accumulated for disposal not be accumulated on site for more than 180 days. Once the capacity limit of a collection site or time limit is reached, all waste collected shall be collected by a licensed hazardous waste contractor.

103.4(4) *Staff qualifications.* Prior to handling any household hazardous materials, hazardous waste regional collection center and satellite facility staff shall each have received applicable training conducted by trainers who meet Occupational Safety and Health Administration (OSHA) instructor qualification standards. Training shall include but is not limited to the following:

a. OSHA 24-hour health and safety training as described in 29 CFR 1910.120.

b. Annual eight-hour refresher training as described in 29 CFR 1910.120.

c. Hazardous materials chemistry.

d. Personnel and site safety.

e. Proper lab packing techniques.

f. Proper transporting of hazardous materials.

g. When applicable, U.S. Department of Transportation hazardous materials training for the operation of a mobile unit used in the collection and transportation of household hazardous materials and hazardous waste from very small quantity generators.

567—103.5(455F) Operations plans and procedures.

103.5(1) Regional collection centers and satellite facilities must each prepare and maintain on site a current plan of operations.

103.5(2) Operations plan. The operations plan shall include, at a minimum, the following information:

a. Schedule of operations, including hours of operation for regional collection centers or satellite facilities.

b. Site selection procedures for mobile unit collections.

c. Standard receiving procedures for household hazardous materials and very small quantity generators.

d. Procedures for managing unknown materials.

e. Procedures for handling open or leaking containers.

f. Procedures for managing large quantities of wastes.

g. Recycling and reuse procedures for usable materials.

h. Disposal of nonhazardous waste.

i. Personal protection equipment.

j. Initial training requirements and continuing education of staff.

k. An emergency response plan, such as the facility's response to spills, fires or weather-related events.

567—103.6(455F) Closure notification. Regional collection centers and satellite facilities shall each notify the department in writing at least 60 calendar days prior to ceasing operations.

103.6(1) The notification shall include, at a minimum, the following information:

a. A description of how the regional collection center or satellite facility will notify the public within its service area that the regional collection center or satellite facility is closing and how household hazardous materials and hazardous waste from very small quantity generators should be managed after closure of the facility.

b. A description of how all household hazardous materials, household hazardous waste and hazardous waste from very small quantity generators will be removed from the regional collection center or satellite facility and properly managed within 60 calendar days of the regional collection center or satellite facility ceasing operations.

c. A description of how final waste disposal costs will be paid.

103.6(2) After removal of household hazardous waste and very small quantity generator hazardous waste, a final inspection may be conducted by department staff.

567—103.7(455F) Regional collection center reporting requirements. On a form supplied by the department, each regional collection center shall submit to the department a correctly completed regional collection center semiannual report. The report shall include but not be limited to the pounds of materials managed through a reuse program, by hazardous waste contractors, and by nonhazardous waste contractors. All hazardous waste contractor invoices shall be attached. Such invoices shall depict hazardous material types, net weight of hazardous materials, and associated collection and disposal costs charged by the hazardous waste contractor to the regional collection center. Regional collection center semiannual reports shall be submitted by September 15 for the portion of the current calendar year January 1 through June 30, and by March 15 for the portion of the previous calendar year July 1 through December 31.

567—103.8(455E,455F) Funding sources. Funds appropriated by Iowa Code section 455E.11(2) *"a"*(2)(d) and 455E.11(2)*"c"* may be used to achieve the purpose of this chapter.

567—103.9(455E,455F) Regional collection center and satellite facility financial assistance.

103.9(1) An applicant for regional collection center and satellite financial assistance shall submit to the department a completed application on a form provided by the department.

103.9(2) The department shall coordinate the evaluation of proposals. Applications will be evaluated based on selection criteria contained in the application form. Prior to receiving financial assistance from the department, a regional collection center must obtain a regional collection center license. A satellite facility shall provide documentation of a contractual arrangement with a licensed regional collection center for removal of the waste to be collected.

103.9(3) The applicant must be in compliance with applicable federal and state statutes and regulations.

567—103.10(455E,455F) Regional collection center collection and disposal support funding.

103.10(1) All regional collection centers are eligible to receive funding support, when available, from the department to properly manage eligible pounds of very small quantity generator hazardous waste and household hazardous waste. To receive funding, a regional collection center must be in compliance with applicable federal and state statutes and regulations. The source for this funding is described in Iowa Code section 455E.11(2)*"a"*(2)(d) and (e).

103.10(2) To be eligible to receive support and disposal-funding assistance, a regional collection center must:

a. Have household hazardous waste and very small quantity generator hazardous waste removed by a licensed hazardous waste contractor.

b. Correctly complete the hazardous materials collection semiannual report on a form supplied by the department.

c. Attach the following documentation:

(1) Hazardous waste contractor invoices depicting cost and hazardous waste types.

(2) The net weight calculations of household hazardous waste and very small quantity generator hazardous waste obtained by subtracting container weight from final disposal weight, not the manifest weight.

(3) Documentation that all household hazardous waste and very small quantity generator hazardous waste was disposed of by a licensed hazardous waste contractor.

(4) Documentation of materials shipped using final disposal receipts.

d. Submit regional collection center semiannual reports by September 15 for the portion of the current calendar year January 1 through June 30, and by March 15 for the portion of the previous

calendar year July 1 through December 31. Reports submitted after the due date without prior approval by the department are not eligible for funding.

103.10(3) Fall collection and disposal funding will be based on the regional collection center semiannual report due September 15 and on available funding. A regional collection center will receive a percentage of the available funding in an amount proportional to the amount of eligible pounds the regional collection center recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form, compared to the total amount of eligible pounds recycled or disposed of by all regional collection centers as reported on the regional collection center semiannual report form.

Spring collection and disposal funding will be based on the total eligible pounds reported for the calendar year and on available funding. A regional collection center will receive a percentage of the available funding for the calendar year minus the amount received for the fall payment, in an amount proportional to the amount of eligible pounds the regional collection center recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form for the calendar year, compared to the total amount of eligible pounds recycled or disposed of by all regional collection centers as reported on the regional collection center semiannual report form.

These rules are intended to implement Iowa Code chapters 455E and 455F.

ITEM 2. Rescind and reserve **567—Chapter 123**.

ITEM 3. Rescind and reserve **567—Chapter 211**.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 104 and 111
"Solid Waste Comprehensive Planning and
Environmental Management System Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455J.2 and 455A.6

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455B.301A, 455B.302, 455B.306, 455B.310 and 455D.3 and chapter 455J

Public Hearing

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

October 8, 2025	Via videoconference call
9:30 a.m.	Contact: EO10_solidwaste@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at EO10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis., which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jennifer Wright
Iowa Department of Natural Resources
6200 Park Avenue
Des Moines, Iowa 50321
Email: EO10_solidwaste@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

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Purpose and Summary

Proposed Chapter 104 is a consolidation of existing 567—Chapters 101 and 111. The purpose of the proposed chapter is to provide direction and clarity for comprehensive planning and environmental management system requirements and criteria. These chapters were reviewed, simplified, and consolidated consistent with Executive Order 10.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Cities and counties bear the costs of compliance with the proposed chapter, which are mitigated by collected fees.

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

Cities and counties benefit from the proposed chapter's direction and clarity for statutory requirements of comprehensive planning and environmental management system requirements and criteria.

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

- **Quantitative description of impact:**

Costs will remain consistent with the costs under the current rules. Costs expended by cities and counties on comprehensive planning are offset by collected fees, and the environmental management system is voluntary. By implementing the related statutory provisions by rule, Iowans benefit by being able to participate in recycling and waste reduction programs that are provided in their planning area and financially supported through the retained portion of tonnage fees.

- **Qualitative description of impact:**

Costs will remain consistent under the proposed chapter. Proposed Chapter 104 was made easier to read and understand by removing unnecessary provisions or provisions that duplicated the Iowa Code. The proposed chapter has been streamlined, providing regulation of cities and counties on these matters more succinctly and clearly.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time in administering the Solid Waste Comprehensive Planning and Environmental Management System program.

- **Anticipated effect on State revenues:**

The proposed rulemaking will not have any effects on State revenues.

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

Costs will remain consistent under the proposed chapter. The costs to the State of implementing these rules are minimal. Costs to cities and states for the comprehensive planning are offset by collected fees, and costs related to environmental management systems are voluntary.

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

The least costly and less intrusive method for achieving the purpose of the proposed chapter has been determined to be the proposed rulemaking. The proposed rulemaking covers both programs in which a solid waste planning area must participate, either through comprehensive planning or its voluntary, alternative environmental management systems. The proposed chapter removes unnecessary, burdensome, duplicative and repetitive language from the two existing chapters.

6. **Alternative methods considered by the agency:**

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

None.

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

Rulemaking is the most effective way of providing consistency, transparency, and stability to the statewide comprehensive planning area program required by Iowa Code section 455B.306.

Small Business Impact

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

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

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

Not applicable. The proposed rulemaking will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 567—Chapter 104:

CHAPTER 104
SOLID WASTE COMPREHENSIVE PLANNING AND
ENVIRONMENTAL MANAGEMENT SYSTEM REQUIREMENTS

567—104.1(455B,455D,455J) Purpose. The purpose of these rules is to provide general definitions and direction for comprehensive integrated solid waste management planning for every city and county of this state and to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill. This chapter also establishes methods and criteria for the environmental management system program, a voluntary alternative to comprehensive planning for planning areas or service areas. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this chapter shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—104.2(28E,455B,455D,455J) Definitions. For the purposes of this chapter, the following definitions; the definitions in 567—Chapter 100; and the definitions in Iowa Code chapters 28E, 455B, 455D and 455J shall apply.

"Annual compliance report" or *"annual report"* means the required submittal to the department that documents an environmental management system's compliance with the requirements of Iowa Code section 455J.3.

"Solid waste agency" means an established private or public, or private and public, agency for the purpose of managing solid waste, implementing integrated solid waste management systems on behalf of cities and counties, or both.

567—104.3(455B,455D) Duties of cities and counties.

104.3(1) Notwithstanding any requirements in the Iowa Code, including Iowa Code section 455B.302, all cities, counties and solid waste agencies shall demonstrate compliance with the provisions of this chapter by either participating in a comprehensive plan approved by the department or being within the planning or service area of an environmental management system.

104.3(2) If a planning agency refuses any particular solid waste type for management or disposal, the planning agency must identify another municipal solid waste sanitary disposal project for that waste within the planning area. If no other municipal solid waste sanitary disposal project exists within the planning area, the planning agency must, in cooperation with the waste generator, establish or arrange for access to another municipal solid waste sanitary disposal project. Municipal solid waste sanitary disposal projects are required to maintain written approval from both the department and the planning agency in the planning area of origin in order to accept any Iowa-generated waste from outside the planning area.

567—104.4(455B,455D,455J) State volume reduction and recycling goals. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, by an intermediate goal of 25 percent, and by a final goal of at least 50 percent, through the practice of waste volume reduction at the source and through recycling. The updated goal progress calculations provided by the department for each planning area shall be used by the department in reporting to the general assembly on the state's progress toward meeting the 25 and 50 percent goals. The specific methodology for determining goal progress is outlined in 567—104.5(455B,455D). A planning area designated as an environmental management system pursuant to Iowa Code section 455J.7 is exempt from the waste stream reduction goals of this rule.

567—104.5(455B,455D) Base year adjustment method. Planning agencies may request that the department complete a goal progress recalculation once per fiscal year to resolve any discrepancies and to further evaluate progress toward the state's waste volume reduction and recycling goals. At the time of approval of a comprehensive plan or comprehensive plan update, the department will use the most current complete fiscal year data set available to complete goal progress calculations, which will be used to meet the requirements outlined in 567—104.8(455B,455D).

104.5(1) The base year adjustment method (see Formula 1) controls for population, employment and taxable sales to more accurately determine progress toward the state's waste volume reduction and recycling goals. Factors included within the base year adjustment method include:

a. Base year residential waste disposal tonnage.

b. Base year commercial waste disposal tonnage.

c. Base year population data (U.S. Bureau of the Census).

d. Base year employment data—total nonfarm (Iowa department of workforce development).

e. Base year taxable sales data (Iowa department of revenue).

f. Base year consumer price index.

g. Most current complete fiscal year data set available for waste disposal tonnage.

h. Most current complete fiscal year data set available for population (U.S. Bureau of the Census).

i. Most current complete fiscal year data set available for employment—total nonfarm (Iowa department of workforce development).

j. Most current complete fiscal year data set available for taxable sales (Iowa department of revenue).

k. Most current complete fiscal year data set available for consumer price index.

Formula I

$$100\% - \left[\frac{G}{A\left[\frac{\frac{H}{C} + \left[\frac{\frac{I}{D} + \frac{J\frac{F}{K}}{E}}{2}\right]}{2}\right] + B\left[\frac{\frac{I}{D} + \left[\frac{J\frac{F}{K}}{E}\right]}{2}\right]} \right] \times 100\%$$

104.5(2) Planning agencies must document the amount of waste disposed of in both the base year and the most current fiscal year where a complete data set is available. If no changes have

occurred within the planning area that would affect the base year, then only data for the most current fiscal year for which a complete data set is available need to be presented in the comprehensive plan update, since information on each planning area's base year tonnage is presented in prior comprehensive plan submittals. Tonnage data sources that each planning agency must identify include but are not limited to:

a. Landfill(s) within the planning area and its respective service area(s).

b. Transfer station(s) or hauler(s) transporting waste into or out of the planning area for final disposal.

c. Incineration with or without energy recovery of waste within the planning area.

d. Allowable base year adjustment method exemptions, including exceptional events, waste originating from out of state, and solid waste generated outside the planning area.

104.5(3) Waste generated as part of an exceptional event or contaminated site cleanup should not negatively affect a planning area's goal progress calculation. Requests for goal progress calculation exemptions must be made to the department within six months after initial disposal. The determination to exempt tonnages from goal progress calculations shall be made solely by the department.

a. Exceptional events include but are not limited to disasters proclaimed by the governor. Requests to exempt exceptional event debris from goal progress calculations shall be made on a form provided by the department.

b. Requests from the municipal solid waste sanitary disposal project or planning agency to exempt contaminated site cleanup waste from goal progress calculations shall be made on a form provided by the department.

567—104.6(455B,455D) Forms of comprehensive plan submittals to be filed. Notwithstanding any of the requirements of Iowa Code section 455B.306, there are three forms of comprehensive plan submittals: initial, updates and amendments.

104.6(1) *Initial comprehensive plan.* An initial comprehensive plan shall be submitted as determined by the department, including but not limited to when a new planning area is established or a new solid waste landfill or municipal solid waste incinerator is sited. Initial comprehensive plans shall be submitted on a form provided by the department.

104.6(2) *Comprehensive plan updates.* A comprehensive plan update shall be submitted according to planning cycle due dates established by the department. Comprehensive plan updates shall be submitted on a form provided by the department.

104.6(3) *Comprehensive plan amendments.* If a municipal solid waste sanitary disposal project or city or county requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, the department may determine that a comprehensive plan amendment may be submitted and approved to fulfill requirements until the beginning of the next planning cycle. Comprehensive plan amendments shall be submitted to the department on a form provided by the department.

567—104.7(455J) Environmental management systems. Notwithstanding any other requirements, a planning or service area that has been designated as an environmental management system and that seeks to continue to be so designated in this voluntary program is exempt from filing its comprehensive plan. By September 1 of each year, an annual report shall be submitted to the department on a form provided by the department.

104.7(1) *Annual report evaluation criteria.* The department shall review the annual report based on the following:

a. Completeness in terms of addressing all of the elements set forth in the form provided by the department.

b. Clear demonstration of continuous improvement in terms of progress toward achieving the objectives and targets set forth in the environmental management system.

104.7(2) *Annual report evaluation outcomes.*

a. If the department determines that the annual report adequately demonstrates compliance with the requirements of Iowa Code section 455J.3, the planning or service area shall remain designated as an environmental management system and shall continue to be qualified for the incentives set forth in Iowa Code section 455J.5.

b. The annual report should clearly demonstrate continuous improvement in terms of progress toward achieving the objectives and targets set forth in the environmental management system. If the department determines that the annual report clearly demonstrates that the planning or service area's environmental management system is no longer in compliance with Iowa Code section 455J.3, the department may recommend to the environmental protection commission the revocation of the environmental management system designation. If the commission concurs with the department's recommendation, the planning or service area shall adhere to comprehensive planning requirements.

c. Failure by a planning or service area to submit an annual report by September 1 in any year will result in revocation of the environmental management system designation, following which the planning or service area shall adhere to the comprehensive planning requirements.

567—104.8(455B,455D) Fees for disposal of solid waste at sanitary landfills.

104.8(1) *Authority, purpose and applicability.*

a. Authority. Pursuant to Iowa Code section 455B.310, the department has the authority to collect fees for the disposal of solid waste at sanitary landfills. All tonnage fees received by the department under this rule shall be deposited in the solid waste account of the groundwater protection fund created under Iowa Code section 455E.11(1).

b. Purpose. The purpose of this rule is to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill. This rule clarifies the applicability of the fees and sets forth a fee schedule, means of filing and recordkeeping requirements.

c. Applicability. Except as provided in 104.8(2), operators of all sanitary landfills located within Iowa and subject to the permitting requirements of the department shall pay a fee for each ton of solid waste disposed of in the landfill.

104.8(2) *Exclusion.* Fees do not apply to wastes that will not be buried at a sanitary landfill if such material is salvaged or recycled in accordance with the provisions of the landfill permit.

104.8(3) *Fee schedule.*

a. The base tonnage fee is $4.25 per ton of solid waste.

b. The statewide goal progress average is 36 percent, as determined by the department on July 1, 1999.

c. If at any time the department notifies a planning agency or municipal solid waste sanitary disposal project(s) that the planning area has either failed to meet the 25 percent goal or has met or exceeded the 25 percent goal, the 36 percent statewide average or the 50 percent goal, all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall collect, remit and retain tonnage fees according to Table 1 in this subrule, starting with the next scheduled fee payment. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area's progress toward meeting the state's waste volume reduction and recycling goals is documented and approved in writing by the department.

d. A solid waste planning or service area designated as an environmental management system pursuant to Iowa Code section 455J.7 shall qualify, pursuant to Iowa Code section 455J.5, for a reduced tonnage fee of $3.65 per ton, of which $2.10 shall be remitted to the department.

Table 1 sets forth the solid waste tonnage fee schedule.

Table 1	
Planning areas with less than 25% diversion level:	
Collect	$4.75 per ton

Remit	$3.30 per ton to the department
Retain	$1.45 per ton ($0.95 per ton for implementing planning, $0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, under the state average, and under 50%:	
Collect	$3.65 per ton
Remit	$2.20 per ton to the department
Retain	$1.45 per ton ($0.95 per ton for implementing planning, $0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, over the state average and under 50%, and planning or service areas designated as an environmental management system:	
Collect	$3.65 per ton
Remit	$2.10 per ton to the department
Retain	$1.55 per ton ($1.05 per ton for implementing planning, $0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 50% diversion:	
Collect	$3.25 per ton
Remit	$1.95 per ton to the department
Retain	$1.30 per ton ($0.80 per ton for implementing planning, $0.50 per ton for environmental protection, comprehensive plan development and implementation)

e. Retained tonnage fees collected pursuant to this subrule shall be approved by the department and used for implementation of programs and services designed to satisfy the requirements of this chapter.

f. For purposes of calculating tonnage fees, sanitary landfills shall utilize scales and shall base the fee assessment on the net scale weight of solid wastes disposed of at the landfill during the reporting period.

g. If special conditions existing at a sanitary landfill make it impractical to use the landfill's scales to determine waste tonnages, the landfill may propose for department review and approval an alternate method for determining the weight of disposed solid waste.

104.8(4) *Form, manner, time and place of filing.*

a. Form. Any person to whom or entity to which this rule applies shall submit a form provided by the department.

b. Manner, time and place. Fees are to be paid on a quarterly basis. Sanitary landfills serving more than one planning area, as expressed in Iowa Code section 455B.306(1) and 455B.306(2), shall submit separate Quarterly Solid Waste Fee Schedule and Retained Fees Reports for each planning area. The fees and report on retained fees will be due January 1, April 1, July 1, and October 1 for the quarters ending September 30, December 31, March 31, and June 30, respectively. The completed form shall be submitted with the appropriate fees to Budget and Finance Bureau, Department of Natural Resources, 6200 Park Avenue, Des Moines, Iowa, 50321.

104.8(5) *Reporting and recordkeeping.*

a. Operating records. Those sanitary landfill operators who are subject to the fee assessment requirements of this rule shall maintain adequate records to determine and document the weight of solid waste received at and disposed of in the sanitary landfill during the calendar year. Planning areas entering into an agreement pursuant to Iowa Code section 455B.306(2) shall submit documentation to the department, and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department demonstrating that required retained fees were returned in a timely manner to other planning area(s) under the agreement.

b. Retention of records. All records used in determining the solid waste fee assessment must be kept for a period of at least three years from the end of the calendar year that the records represent.

c. Availability of records. All records required under this rule must be furnished upon request and be made available at all reasonable times for inspection to any officer, employee or representative of the department who is duly designated by the director.

104.8(6) *Failure to pay fees.* If it is found that a person or entity has failed to pay the fees assessed by this rule, the director shall enforce the collection of the delinquent fees. A person or entity required to pay fees as required by Iowa Code section 455B.310 that fails or refuses to pay the fees by the due date shall be assessed a penalty of 2 percent of the quarterly fee due, to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. A person or entity required to retain fees as required by Iowa Code section 455B.310 that fails or refuses to report the use of the retained fees by the due date shall be assessed a penalty of 2 percent of the retained fees due to the department, with said penalty to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. All penalties shall be paid in addition to the fees due.

These rules are intended to implement Iowa Code sections 455B.301A, 455B.302, 455B.306, 455B.310 and 455D.3 and chapter 455J.

ITEM 2. Rescind and reserve **567—Chapter 111**.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 105, 131, 133, and 137
"Hazardous Conditions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.383, 455E.9 and 455H.105

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455B.383, 455E.9 and 455H.105

Public Hearing

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

October 7, 2025	Via videoconference call
9 a.m.	Contact: shelly.nellesen@dnr.iowa.gov

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at shelly.nellesen@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

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Public Comment

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

Shelly Nellesen
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.669.5494
Email: shelly.nellesen@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at shelly.nellesen@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al shelly.nellesen@dnr.iowa.gov.

Purpose and Summary

Proposed Chapter 105 includes the provisions for Notification of Hazardous Conditions (previously included in Chapter 131), Determining Cleanup Action and Responsible Parties (previously included in Chapter 133), and Iowa Land Recycling Program and Response Actions (previously included in Chapter 137). The purpose of this proposed chapter is to protect the integrity of Iowa's groundwater. Chapters 131, 133, and 137 have been reviewed, simplified, and consolidated into one chapter consistent with Executive Order 10.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The costs of these rules are borne by those responsible for contamination and those who voluntarily assess and remediate the contamination. These costs are unchanged from existing Chapters 131, 133 and 137.

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

Identifying, assessing and remediating contamination protects all citizens of Iowa from hazardous substances.

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

- **Quantitative description of impact:**

There will be no change in costs compared to the existing rules. Proposed subrule 105.203(3) outlines the voluntary enrollment fee of $750 for the Land Recycling Program. Additionally, those enrolling in the program are subject to oversight fees of up to $25,000. These costs are unchanged from existing Chapter 137.

- **Qualitative description of impact:**

There will be no increase in costs compared to the existing rules. It is anticipated that alterations to the content in proposed Chapter 105 related to Executive Order 10 will reduce red tape and remove unnecessary or nonvaluable elements of the existing rules, improving the qualitative aspects of the proposed chapter for the regulated community.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time reviewing notification reports, assessments and remedial actions to ensure all applicable rules have been adhered to.

- **Anticipated effect on State revenues:**

The proposed chapter will have a neutral impact on State revenues since the rules that have been incorporated into Chapter 105 were already being implemented and are unchanged.

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

This proposed chapter is required by law. Iowa Code sections 455B.383, 455E.9 and 455H.105 direct the Department to promulgate rules to implement Iowa Code chapters 455B, 455E and 455H.

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

No less costly methods were identified. The rules closely align with the statutory directives.

6. **Alternative methods considered by the agency:**

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

No alternative methods were identified. The rules closely align with the statutory directives.

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

No alternative methods were identified. These rules are mandated by State law and closely adhere to statutory requirements.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

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

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

It is anticipated that alterations to the content in Chapter 105 related to Executive Order 10 will reduce red tape and remove unnecessary or nonvaluable elements of the existing rules, creating a positive impact for small businesses in the regulated community.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
HAZARDOUS CONDITIONS

DIVISION I
NOTIFICATION REQUIREMENTS

567—105.1(455B) Purpose. The purpose of this division is to implement Iowa Code sections 455B.383 and 455B.386 by providing detail on the notification requirements for reporting a hazardous condition.

567—105.2(455B) Applicability. The requirements of this division apply to all persons manufacturing, storing, handling, transporting, or disposing of a hazardous substance, or discovering contamination from a previously unknown hazardous condition, and to the sheriff or police chief who has been notified of a hazardous condition.

567—105.3(455B) Definitions. For the purposes of this division, the definitions set out in Iowa Code section 455B.381 apply.

567—105.4(455B) Exemptions to reporting requirements. Spills of hazardous substances are exempt from 567—105.5(455B) if all the following criteria are met.

105.4(1) The spilled hazardous substance is one or more of the following:

a. Less than 25 gallons of petroleum products.

b. Less than 100 pounds of anhydrous ammonia.

105.4(2) The spilled hazardous substance will not pose an actual or potential threat to waters of the state, groundwater, water wells, stormwater, tile lines, or ambient air quality if cleaned up within 24 hours.

105.4(3) The spilled hazardous substance is cleaned up within 24 hours of the spill.

105.4(4) The spilled hazardous substance is not an ongoing or repeated spill by the same responsible party, in the same area, within the last 90 days.

567—105.5(455B) Report of hazardous conditions.

105.5(1) *Initial report.* Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall report a hazardous condition to the department and either the local police department or the office of the sheriff of the county where the hazardous condition occurred. The initial report shall be made as soon as possible but not later than six hours after the onset or discovery of the hazardous condition. The initial report shall provide information on as many items listed in 105.5(2) as available data will allow.

105.5(2) *Follow-up report.* The responsible party shall submit a follow-up report of a hazardous condition to the department within 30 days of the initial report. The follow-up report may be submitted electronically or via hard copy. The follow-up report shall contain the following information:

a. The exact location of the hazardous condition.

b. The time and date of onset or discovery of the hazardous condition.

c. The name of the material, the manufacturer's name, the volume of each material involved in the hazardous condition, and any contaminants within the material that, by themselves, could cause a hazardous condition.

d. The medium (land, water or air) in which the hazardous condition occurred or exists.

e. The name, address and phone number of the person responsible for the hazardous condition.

f. The time and date of the initial report to the department of the hazardous condition.

g. The weather conditions at the time of the hazardous condition onset or discovery.

h. The name, mailing address, email address and phone number of the person reporting the hazardous condition.

i. The name and phone number of the person closest to the scene of the hazardous condition who can be contacted for further information and action.

j. Any other information, such as the circumstances leading to the hazardous condition, visible effects and containment measures taken, that may assist in proper evaluation by the department.

105.5(3) *Reporting of subsequent findings.* All subsequent findings and laboratory results shall be reported and submitted electronically or in writing to the department as soon as available.

These rules are intended to implement Iowa Code sections 455B.383 and 455B.386.

567—105.6 to **105.99** Reserved.

DIVISION II
CLEANUP ACTIONS AND RESPONSIBLE PERSONS

567—105.100(455B,455E) Purpose. The purpose of this division is to establish the procedures and criteria the department uses to determine the person(s) responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of groundwater.

567—105.101(455B,455E) Applicability.

105.101(1) These rules pertain to the cleanup of groundwater and soils and surface water where groundwater may be impacted. They may also be used as guidelines in other environmental protection activities authorized by Iowa Code chapter 455B. Where specific federal or state programs or funds exist to address situations that are also governed by these rules, the rules and standards of the specific programs or funds will be integrated and utilized to achieve an equitable, expeditious and environmentally sound resolution of the particular contamination situation. These rules apply specifically to point source contamination only.

105.101(2) These rules apply specifically to cleanup actions required to abate, prevent or remediate a hazardous condition, the presence of a hazardous substance or waste, the release of a regulated substance, or the discharge of a pollutant.

105.101(3) These rules shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect public health, safety, or the environment. The department will make its evaluation on a case-by-case basis, considering site characteristics, and where more than one contaminant is present or there is no established action level, will consider the toxicity, mobility and persistence of contaminants involved. The evaluation may include the potential synergistic, antagonistic or cumulative effects of the contaminants involved in a particular case.

105.101(4) Persons subject to these rules retain all applicable appeal rights provided in Iowa Code chapter 455B.

105.101(5) This chapter is applicable to releases of petroleum from underground storage tanks subject to regulation under Iowa Code chapter 455B, division IV, part 8, to the extent they are not inconsistent with the corrective action provisions in 567—135.6(455B) through 567—135.17(455B). This subrule is not intended to limit the authority of the department to establish liability against the responsible person(s) other than owners and operators as defined in Iowa Code section 455B.471(5) and 455B.471(6).

105.101(6) All rules, standards, technical guidance and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—105.102(455B,455E) Definitions. In addition to the definitions in Iowa Code sections 455B.381, 455B.411, and 455E.2, the following definitions shall apply to this division:

"Action level" means, for any contaminant:

1. The MCL if one exists;
2. The HAL if one exists and there is no MCL; or
3. The action level established by the department based on current technical literature and recommended guidelines of the United States Environmental Protection Agency (EPA) and recognized experts, if there is no MCL or HAL.

"AFS" means the Special Publication 30, "Investigation and Monetary Values of Fish and Freshwater Mussel Kills," published by the American Fisheries Society.

"Aggravated risk" means a contamination situation that presents a potentially catastrophic or an immediate and substantial risk of harm to human life or health or to the environment. Examples include exposure of humans, animals or the food chain to acutely toxic substances, contamination of a drinking water supply, threat of fire or explosion, or similar situations.

"Air or air resources" means those naturally occurring constituents of the atmosphere, including those gases essential for human, plant, and animal life.

"Background" means groundwater quality unaffected by human activities, and generally shall be determined by historical data of the geological services bureau or other government agencies for the type of aquifer or location involved in a given case. If available data is not adequate, background may be established by groundwater samples upgradient of a source or potential source of a substance that is detected in or has a reasonable probability of entering the groundwater.

"Best available technology" means those processes that most effectively remove, treat, or isolate contaminants from groundwater or associated environment, as determined through professional judgment considering actual equipment or techniques currently in use, published technical articles and research results, engineering reference materials, consultation with known experts in the field, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedules of activities, prohibition of practices, and other management practices, or a combination thereof, that after problem assessment and evaluation of alternatives is determined to be the most effective means of preventing or abating contamination at a location.

"Biological resources" means fish, wildlife and other biota belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state of Iowa, the United States, or local government. Fish and wildlife include freshwater aquatic and terrestrial species; game, nongame, and commercial species; and threatened and endangered species. Other biota encompass shellfish, terrestrial and aquatic plants, and other living organisms not otherwise listed in this definition.

"Code of Federal Regulations" or *"CFR"* means the federal administrative rules adopted by the United States as amended through August 1, 2025.

"Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance that does not occur naturally in groundwater or that occurs naturally at a lower concentration, and includes but is not limited to all hazardous substances as defined in 42 U.S.C. 9601 (2018), and any element, compound, mixture, solution or substance designated pursuant to 40 CFR 302.4.

"Damages" means the costs of restoration, rehabilitation, and replacement of resources, or acquisition of equivalent resources, as determined in accordance with this chapter; the reasonable and necessary costs of the assessment, to include the cost of performing the assessment and administrative costs and expenses necessary for, and incidental to, the assessment; lost services to the public; and, in the event the damages claim is not resolved within six months after the incident leading to the damages, interest at the current rate published in the Iowa Administrative Bulletin by the department of revenue pursuant to Iowa Code section 421.7. The interest amount shall be computed from the date the amount of the claim is confirmed by a final ruling of the commission in a contested case decision.

"Drinking water supply" means any raw or finished water source that is or may be used by a public water system, as defined in Iowa Code section 455B.171, or as drinking water by one or more individuals.

"Geologic resources" means those elements of Earth's crust such as soils, sediments, rocks, and minerals, including petroleum and natural gas, that are not included in the definitions of groundwater and surface water resources.

"Groundwater resources" means water in a saturated zone or stratum beneath the surface of land or water and the rocks or sediments through which groundwater moves. It includes groundwater resources that meet the definition of drinking water supplies.

"HAL" means a lifetime health advisory level for a contaminant, established by the EPA. Health advisories represent the concentration of a single contaminant, based on current toxicological information, in drinking water that is not expected to cause adverse health effects over lifetime exposure.

"MCL" means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"Natural resources" or *"resources"* means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, the state of Iowa, or local government. These natural resources have been categorized into the following five groups: surface water resources, groundwater resources, air resources, geologic resources, and biological resources.

"Point source" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a contaminant has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Preventative" or *"prevention"* refers, in the context of these rules, to actions or efforts to minimize or stop further contamination in a situation where contamination already exists or is imminent.

"Remedial action plan" means a written report that includes all relevant information, findings, and conclusions from a site assessment, including all analytical results and identification of contaminant migration pathways; identification and evaluation of cleanup alternatives, including both active and passive measures using best available technology and best management practices; a recommended cleanup action or combination of action, including identification of expected cleanup levels consistent with the cleanup goal of 105.104(3)*"b"*; a monitoring network and schedule to document cleanup levels; and a proposed schedule of implementation.

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating contamination under any applicable law, including Iowa Code chapters 455B and 455E, and the common law. This may include the person causing, allowing or otherwise participating in the activities or events that cause the contamination, persons who have

failed to conduct their activities so as to prevent the release of contaminants into groundwater, property owners who are obligated to abate a condition, or persons responsible for or successor to such persons.

"Significant risk" means:

1. The presence in groundwater of a contaminant in excess of an action level;
2. The presence of a contaminant in the soils, surface water, or other environment in proximity to groundwater that may reasonably be expected to contaminate the groundwater to an action level; or
3. The presence of a contaminant or contaminants in the groundwater, or in the soils, surface water or other environment in proximity of groundwater that may be expected to contaminate groundwater in quantities, concentrations, or combinations that may have a significant adverse impact on public health, safety, environment, or quality of life. This criterion would normally be applied where there is no established action level or where combinations of more than one contaminant are present.

"Site assessment plan" means a written proposal for study of a contamination situation to determine the types, amounts, and sources of contaminants present, hydrogeological characteristics of the site, and the vertical and horizontal extent of contamination, with a goal of developing an adequate remedial action plan. The proposal must include: recommendations for collection of relevant historical data such as site management practices, inventory records, literature searches, photographs and personal interviews; a methodology for obtaining groundwater flow information including well placements, construction and elevation, bore logs, static groundwater table measurements, groundwater elevations, groundwater gradients (isopleth), and information on soil transmissivity, porosity and permeability; and a methodology for identifying contaminant plumes, including additional monitoring wells to identify the horizontal and vertical extent of contamination, a site plot showing the estimated configuration of contamination, and a sampling schedule and list of constituents to be analyzed. The plan development may require preliminary field investigations.

"Surface water resources" means the waters of the state, including the sediments suspended in water or lying on the bank, bed, or shoreline. This term does not include groundwater or water or sediments in ponds, lakes, or reservoirs designed for waste treatment under applicable laws regulating waste treatment.

567—105.103(455B,455E) Documentation of contamination and source.

105.103(1) *Certified laboratory.* Analyses for a contaminant regulated under this division must be performed by a laboratory certified for the analyte(s) and applicable method pursuant to 567—Chapter 83.

105.103(2) *Department determination of contamination.* When the department receives or obtains evidence of groundwater contamination or the release or presence of contaminants in the environment associated with groundwater, where contamination of the groundwater may reasonably be expected, the department shall make reasonable efforts to document the source of contamination, and shall require responsible person(s) to take appropriate preventative, investigatory and remedial actions. Evidence of contamination may include but is not limited to the following:

a. Water samples indicating the presence of a contaminant at levels above background.

b. Soil or surface water samples indicating the presence of a contaminant at levels above background, where release to the groundwater is likely.

c. Known releases of contaminants into the environment in quantities and locations that could reasonably be expected to cause groundwater contamination.

d. Other events the department determines could potentially cause groundwater contamination.

The amount and type of evidence necessary to document contamination or potential contamination will vary with the circumstances of each case, including the amount and type of contaminant involved, site topography and geologic conditions, and potential adverse effects. Normally, a reasonable number of water and soil samples will be taken or analyses obtained by the department. However, where a

significant quantity of contaminants is known to have been released into the environment, for example from a spill, that could reach groundwater, the department is not required to collect samples.

105.103(3) *Department determination of source.* The department shall determine whether the contamination is or likely was caused by a particular source or sources, for example a known spill of a contaminant or current or past facilities or activities in the vicinity that involved products or substances that could be a likely source. If no such person or event can be identified, the department shall make reasonable efforts to determine whether there is a relatively restricted area of more concentrated contaminant in the vicinity that is or is likely to be a source of the contamination. This subrule does not require the department to identify a specific person or persons responsible for the contamination, but to determine whether the contamination has or has likely come from a relatively defined source.

105.103(4) *Determination of responsible persons.* Where a source or likely source of contamination is identified, the person or persons responsible for that source or sources shall conduct necessary preventative, investigatory and remedial actions.

a. Identification. The persons responsible or potentially responsible initially shall be identified by the department through such measures as on-site observations; interviews with witnesses and local officials; review of public records, including department files; and interviews with or information obtained from potentially responsible persons. Where there may be more than one source, or the source is otherwise not conclusively identified, persons who handle or have handled materials or wastes in the vicinity of the contamination, which could be the source, shall investigate and provide information satisfactory to the department to confirm or disaffirm that their activities are a source of the contamination. Investigation by the responsible or potentially responsible person may include inspection of inventory or other records, and soil and groundwater monitoring to better define the source. Such monitoring shall conform to the requirements of 105.104(3)*"a,"* provided that a full-scale assessment may not be required for this purpose.

b. Notification. The department shall notify in writing the person determined responsible under the above procedures, and include a brief statement of the facts upon which the department concluded that the person is the responsible person, and the actions required; provided that where immediate action is necessary, verbal notification may be given, followed up with written notification. The person notified may provide information disputing or supplementing the information relied on by the department, which shall be considered by the department.

c. Responsible persons may be jointly and severally liable, and the department is not required to name all potentially responsible person(s) in directing responsive actions to contamination.

567—105.104(455B,455E) Response to contamination.

105.104(1) *Prevention of further contamination.* In all cases where an active source of contamination is identified, such as leaking tanks or current practices, that may be readily corrected, the source shall be removed, repaired or otherwise contained, or the contaminating practices ceased, immediately upon discovery of the source. In addition, readily accessible contaminants, for example concentrated contaminants spilled on the ground or accessible through a recovery well or system, shall be promptly removed to avoid or minimize further contamination in the groundwater.

105.104(2) *Aggravated risk.* Where the contamination presents an aggravated risk, the preventative, investigatory and remedial measures provided in 105.104(1) and 105.104(3) shall be expedited to remove such risk. Additionally, the following actions shall be taken by the responsible person(s), if necessary, to protect the public health or environment:

a. Provide alternate water supplies.
b. Install security fencing or other measures to limit access.
c. Conduct necessary measures to control the source of release.
d. Remove the contaminant to an approved site for storage, treatment or disposal.
e. Place physical barriers to deter the spread of the release.
f. Recommend to appropriate authorities the evacuation of threatened individuals.

g. Use other materials to restrain the spread of the contaminant or to mitigate its effects.

h. Execute damage control or salvage operations.

105.104(3) *Significant risk.* In cases of significant risk, the following investigatory and remedial measures shall be implemented:

a. Investigation. The responsible person shall determine the extent and levels of contamination through a site assessment conducted under the supervision of an Iowa-licensed professional engineer, an expert in the field of hydrogeology, or other qualified person. A site assessment plan shall be submitted to the department within 45 days of notice by the department, unless a shorter time is required or a longer time is authorized by the department. The plan shall be approved by the department prior to initiation of the assessment, unless otherwise approved by the department. The site assessment shall be conducted within a timeframe that is approved by the department. The department may require further investigation by the responsible person to adequately assess the extent of contamination and may require the remedial action plan if necessary. If a remedial action plan is required by the department, the remedial action plan shall be submitted to the department within the time approved by the department.

b. Required cleanup actions.

(1) Groundwater. The goal of groundwater cleanup is use of best available technology and best management practices as long as it is reasonable and practical to remove all contaminants, and in any event until water contamination remains below the action level for any contaminant, and the department determines that the contamination is not likely to increase and no longer presents a significant risk. Where site conditions and available technology are such that attainment of these goals would be impractical, the department may establish an alternative cleanup level or levels, including such other conditions to adequately protect public health, safety, or the environment.

(2) Other. Where significant amounts of contaminants are documented as being present in the soils or other environment, such that groundwater contamination is occurring or is likely, active cleanup of the contaminated soils or other environment shall be implemented to the extent reasonable and necessary to prevent or minimize release to the groundwater; passive cleanup may be allowed in extraordinary circumstances.

105.104(4) *Nonsignificant risk.* Where significant risk is not currently present, the responsible person may be required to monitor the groundwater and implement reasonable management or other preventative measures to minimize further contamination.

567—105.105(455B,455E) Report to commission. Department actions taken pursuant to this division shall be reported to the commission.

567—105.106(455B) Compensation for damages to natural resources.

105.106(1) *Applicability.* This rule applies to persons who, by release of a hazardous substance to the environment, cause injury to, destruction of, or loss of natural resources held in trust by the state for the public. In most cases this would involve the destruction of aquatic life or other wildlife under the ownership of the state, as provided in Iowa Code section 481A.2. This rule relates to the compensation to the state and public for the natural resource damages and is in addition to any other legal recourse for the event or action that caused the destruction or damage.

105.106(2) *Liability to the state.* Pursuant to Iowa Code section 455B.392(1)*"c,"* this rule establishes the methodologies and criteria for evaluating the extent and value of the damage and establishes the methods of compensation. If the person and the department cannot agree to the proper resolution of a particular case, the issues of liability, damage and compensation will be established through contested case proceedings, as provided by 567—Chapter 7.

105.106(3) *Assessment.* When natural resources are destroyed or damaged by an identifiable source, the degree and value of the losses shall be assessed by collecting, compiling, and analyzing relevant information, statistics, or data through prescribed methodologies to determine damages, as set forth in this rule.

a. General. Except as specified otherwise in this rule, the definitions, methodologies, and criteria in 43 CFR Part 11 may be used to assess natural resource damages.

b. Fish loss. Assessment of damages for fish kills shall be in accordance with the following:

(1) Normally investigators will follow the methods prescribed by AFS to determine numbers of fish killed, by species and size.

(2) During periods of ice cover, where local conditions prevent using these methods, or in other appropriate circumstances, for example when the resources are known to have been diminished by prior incidents, investigators will utilize the best information available to determine numbers of fish killed by species and size. Information may include existing or prior data on population levels in the affected water body or nearby water bodies with similar characteristics, including any historical fish kill data.

(3) The monetary valuation of fish shall be the replacement values as published in AFS for all fish lost except the following: channel catfish, flathead catfish, blue catfish, northern pike, muskellunge, northern pike/muskellunge hybrid, rainbow trout, brown trout, brook trout, white bass, yellow bass, white bass/striped bass hybrid, largemouth bass, smallmouth bass, spotted bass, crappie, rock bass, bluegill, redear sunfish, warmouth, pumpkinseed, freshwater drum, yellow perch, walleye, sauger, and walleye/sauger hybrid. The value of these fish shall be $15 each, unless AFS establishes a higher value. Notwithstanding the above, the value of each fish classified by the department as an endangered or threatened species shall be $1,000.

(4) The value of lost services to the public shall be the number of fishing trips lost over the period of the resource loss, as determined through local creel survey information or through interpolation from the most recent statewide creel survey. Each trip shall be valued at $30.

(5) The cost of the investigation shall include salaries plus overhead for staff time, including support staff, involved in investigating the fish kill and performing the assessment; meals and lodging for staff while in the field conducting the assessment; mileage, valued at the current rate established pursuant to Iowa Code section 8A.363; costs borne by the department associated with containment or cleanup operations; and any other costs directly associated with the investigation and assessment.

105.106(4) *Compensation.* The department will extend to the responsible person the opportunity to reach voluntary agreement as to the amount of damages and the compensation method. If the person disputes liability or the damage amount, the department will make a demand for payment and the person may appeal and demand contested case procedures under 567—Chapter 7. The method of compensation shall be solely in the discretion of the department.

a. Direct monetary payment. Compensation will normally be by direct monetary payment to the department. The money received will be used to replace, restore or rehabilitate the lost or damaged resources. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public and should be in the vicinity of the loss.

b. Indirect monetary payment. In appropriate cases, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in 105.106(4)*"a."*

c. Direct funding of projects. With the approval and oversight of the department, the person may be allowed to contract directly for the same purposes as provided in 105.106(4)*"a."*

This division is intended to implement Iowa Code chapter 455B, subchapter III, part 1, and subchapter IV, part 4, and Iowa Code section 455E.5.

567—105.107 to **105.199** Reserved.

DIVISION III
IOWA LAND RECYCLING PROGRAM AND
RESPONSE ACTION STANDARDS

567—105.200(455H) Purpose. This division is adopted under the authority of Iowa Code chapter 455H. These rules establish the policy and procedures for the voluntary enrollment of contaminated property in the land recycling program. These rules also establish the response action standards that participants must meet in order to qualify for a no further action certificate and the statutory protections and immunities that follow from it. Consistent with the declaration of policy stated in Iowa Code section 455H.104, these rules are intended to achieve the dual objective of addressing the current and future risks associated with contaminated property and thereby enhancing the market conditions that can lead to development of these properties into their highest productive use. These objectives can in part be met through a program that encourages voluntary participation by persons who may have a legal duty to address, in whole or in part, the contamination within an affected area, as well as persons who might not have a legal obligation but who have an interest in development of enrolled sites. These rules attempt to provide a degree of certainty in the response action process as an incentive to participants and as a means of assisting participants in quantifying their financial investment.

105.200(1) It is the objective of these rules to establish a collaborative process between the participant(s) and the department as the most effective means of achieving consensus and resolving disputes on issues that are not or cannot be fully defined and anticipated by rule.

105.200(2) Although participation in this program is voluntary, these rules establish minimum standards that must be met in order to obtain regulatory closure from the department through issuance of a no further action certificate.

105.200(3) Although the scope of the response actions addressed under these rules may not in every case address all known or unknown releases within an affected area, it should be the objective of both the department and the participant(s) to work together and to use all resources available to address all known releases within an affected area in the interest of protecting public health and safety and the environment as well as achieving regulatory finality.

567—105.201(455H) Applicability.

105.201(1) These rules apply only to releases of contaminants that are being addressed at enrolled sites. The department may in its discretion, to facilitate compliance with other provisions of this chapter, apply the response action requirements of 567—105.204(455H) through 567—105.210(455H) to releases of contaminants at sites that are not enrolled. These rules do not in any way limit the statutory liabilities of participants or nonparticipants except as expressly provided within the context of enrollment and Iowa Code chapter 455H. Consistent with Iowa Code section 455H.505, these rules do not limit the authority of the department or the responsibility of statutorily responsible persons to provide notice of hazardous conditions under division I of this chapter or to respond to new releases and undertake emergency response actions under division II of this chapter. For sites that are not enrolled, division II of this chapter will remain in effect, and for enrolled sites, division II of this chapter shall apply to the extent it is not inconsistent with this division.

105.201(2) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—105.202(455H) Definitions. For the purposes of this division, these definitions and the definitions in Iowa Code section 455H.103 shall apply:

"ASTM standards" means the standards as specified in these rules and most recently adopted by ASTM International as of August 1, 2025, unless otherwise noted in these rules.

"Background standard" means a standard that represents concentrations of contaminants that are naturally occurring or are generally present and not related to a readily identifiable release.

"Carcinogenic health risk" means the incremental risk of a person developing cancer over a lifetime (70 years) as a result of exposure to a hazardous substance, expressed as a probability such as one in a million (10-6). The contaminant level for the probability value is derived from application of certain designated exposure assumptions and a slope factor.

"Code of Federal Regulations" or *"CFR"* means the federal administrative rules adopted by the United States as amended through August 1, 2025, unless otherwise noted in these rules.

"Contaminant" means any hazardous substance found in the various media of the environment.

"Contaminant of concern" means specific hazardous substances that are identified for evaluation in the risk assessment process. Identification can be based on their historical and current use at the site, detected concentrations in environmental media and their mobility, toxicity, and persistence in the environment.

"Cumulative risk" means a summation of cancer and noncancer risks, determined separately, based on exposure to multiple contaminants from the same medium and exposure of the same individual to contaminants in multiple media.

"Enrolled site" means any property as defined by a legal description, a parcel number, or similar description that sufficiently defines the property in question, that has been or is suspected to be the site of or affected by a release and that has been enrolled pursuant to this division by a participant.

"Environmental protection easement" means an institutional control created under Iowa Code section 455H.206 that is a statutorily authorized restriction on land use.

"Exposure pathway" means the course a contaminant of concern may take from its source area to an exposed organism. Each exposure pathway includes a source or release from a source, a point of exposure, and an exposure route.

"Exposure route" means the manner in which a contaminant of concern comes in contact with an organism (including but not limited to ingestion, inhalation, dermal contact).

"Free product" means a hazardous substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water) or is present as a solid in its original form as a product or waste material.

"Gross contamination" means contamination present at concentrations in an amount sufficient to reasonably expect that institutional or technological controls will not be adequately protective of human health or the environment.

"Group A, B, C, D and E chemicals" means hazardous substances that have been classified based on the weight of evidence of human carcinogenicity. Group A substances are carcinogenic to humans. Group B substances are likely to be carcinogenic to humans. Group C substances have suggestive evidence of human carcinogenicity, but not sufficient evidence to assess human carcinogenic potential. Data are inadequate to assess human carcinogenic potential for Group D substances. Group E substances are not likely to be carcinogenic to humans.

"Hydraulic conductivity" means a measure of the capacity of a porous medium (rock or soil) to transmit water. It is expressed as the volume of water that will flow through a unit length of a unit cross-sectional area of the porous medium in a unit time with a unit head loss.

"Institutional controls" means a nonphysical action that restricts land use to reduce or eliminate exposure to the contaminants of an affected area.

"Lifetime health advisory level" or *"HAL"* means a lifetime health advisory level for a contaminant, established by the United States Environmental Protection Agency (EPA). Health advisories represent the concentration of a single contaminant, based on current toxicological information, in drinking water that is not expected to cause adverse health effects over lifetime exposure.

"Maximum contaminant level" or *"MCL"* means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"No further action certificate" means the same as no further action letter as described in Iowa Code section 455H.301. It is a document issued by the department to the participant certifying no further response action is required at an enrolled site for those conditions classified as no further action except the monitoring or the maintenance of institutional or technological controls when required.

"No further action certification" means the department has determined an enrolled site has met all standards applicable for the identified hazardous substances and no further response action is required except the monitoring or the maintenance of institutional or technological controls when required.

"Nonresidential land-use area" means any area that is not a residential land-use area.

"Participant" means any person who applies for the program or enrolls property pursuant to this chapter. A participant is a participant only to the extent the participant complies with the requirements of this chapter.

"Point of compliance" means a location selected within the affected area where the concentration of contaminants of concern must be at or below the target levels established for that point.

"Point of exposure" means the location at which an individual or population may come in contact with a contaminant of concern from the enrolled site.

"Receptor" means an individual or population that is or may be affected by a release from the enrolled site.

"Reference dose," expressed in units of milligrams per day exposure to the contaminant per kilogram of body weight of the exposed individual, means the amount of contaminant that an individual can ingest on a daily basis for a lifetime that is not likely to result in adverse noncancer health effects. A reference dose is protective of the entire human population, including sensitive subpopulations.

"Residential land-use area" means an area zoned for residential use or an area where residential use currently exists, is planned, or is not otherwise precluded. In addition, a residential land-use area includes other areas where frequent, long-term, close contact with soils is likely to occur (e.g., playgrounds, sport fields, gardens, child care facilities).

"Risk evaluation/response action document" means a document based on the site assessment for the enrolled site that includes a risk evaluation, proposed response action, and proposed compliance verification strategy for the enrolled site.

"Site assessment plan" means the optional plan submitted to the department that lays out the rationale and the steps to be followed in the conduct of a site assessment for the enrolled site.

"Site assessment report" means the report of the site assessment that defines the nature and extent of contamination, identifies likely exposure pathways, and allows for characterizing potential and current exposure risks posed by the enrolled site.

"Site-specific standard" means a standard for a specific site that represents a concentration of a contaminant in a media of an affected area at which exposure through a specific pathway is considered unlikely to pose a threat to human health, safety, or the environment given site-specific factors related to contaminant transport and likely exposure.

"Slope factor" means an upper bound estimate that approximates a 95 percent confidence limit of the increased cancer risk from a lifetime exposure to a contaminant. This estimate is expressed in units of the proportion of a population that is affected per milligram per day exposure to the contaminant per kilogram of body weight of the exposed individual.

"Statewide standard" means a standard that represents a concentration of a contaminant in a specific media of an affected area at which normal, unrestricted exposure through a specific exposure pathway is considered unlikely to pose a threat to human health, safety, or the environment.

"Surface water" means general use segments as provided in 567—paragraph 61.3(1)*"a"* and designated use segments of water bodies as provided in 567—paragraph 61.3(1)*"b"* and 567—subrule 61.3(5).

"Target level" means a concentration of a contaminant of concern required to establish compliance with background, statewide or site-specific standards.

"Target organ" means the biological organ(s) most adversely affected from exposure to the contaminant of concern. A "reference dose" used to calculate noncancer health risk is normally established based on adverse impact to a target organ or organs from exposure to the contaminant of concern.

"Technological control" means a physical action whose main purpose is to reduce or eliminate exposure to the contaminants of an affected area.

567—105.203(455H) Enrollment in the Iowa land recycling program.

105.203(1) *Property eligible for enrollment.* Unless excluded by statute or this rule and subject to eligibility conditions specified in this division, property that has been or is suspected to be the site of or affected by a release of a hazardous substance as defined in Iowa Code section 455H.103 is eligible for enrollment.

105.203(2) *Property ineligible for enrollment.* The following sites shall not be enrolled in the Iowa land recycling program:

a. Property with petroleum releases associated with underground storage tanks subject to regulation under Iowa Code chapter 455B, division IV, part 8, and 567—Chapter 135. However, property affected by releases of regulated substances from underground storage tanks other than petroleum as defined in 567—135.2(455B) subject to regulation under 567—Chapter 135 may be enrolled under this division. Property enrolled and affected by a release from underground storage tanks of regulated substances other than petroleum will be subject to the response action standards in this division in lieu of those in 567—135.8(455B) through 567—135.12(455B).

b. Property that has been placed or is proposed to be included on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601 et seq. A property will be considered proposed at the time that a public notice of intent to list the property on the national priorities list is published in the Federal Register in accordance with 40 CFR 300.425.

c. An animal feeding operation structure as defined in Iowa Code section 459.102.

d. Properties subject to administrative or judicial enforcement action by the department or the EPA or subject to an administrative or judicial consent order addressing environmental conditions. These properties may be eligible for enrollment only with the written approval of and under such terms as determined by the enforcing agency.

e. Eligible properties that are or may be affected by or commingled with ineligible releases or conditions will be evaluated on a case-by-case basis to determine their appropriateness for enrollment. Only the eligible property and participant(s) will be afforded the benefits and immunities available under Iowa Code chapter 455H. Any protections provided by issuance of a no further action certificate will be limited by and may be subject to reopening due to future conditions associated with the ineligible release. Considerations for enrollment or exclusion include but are not limited to the following:

(1) The extent to which eligible releases and site conditions can be assessed and response action(s) designed and implemented independent of the ineligible releases and property.

(2) The extent to which the liability and other protections offered by Iowa Code chapter 455H and the conditions of a no further action certificate can reasonably be defined to apply to the eligible site without consideration of or dependence on future conditions associated with the ineligible release and property.

(3) The extent to which a participant is willing to conduct all response action(s) necessary to address the health, safety and environmental conditions implicated by both eligible and ineligible releases and conditions. The extent to which a nonparticipant responsible for the ineligible release and property can establish an intention and ability to cooperatively address and share costs associated with the commingled conditions and satisfy both the standards in this division and any other regulatory standards applicable to the ineligible release or condition.

105.203(3) *Enrollment policy and procedures.* Prior to enrollment, the participant may conduct a sufficient preliminary site investigation and project planning to be prepared to show that a site is eligible for enrollment and the participant(s) is ready and capable of initiating and completing a response action in accordance with these rules. The participant(s) must submit a completed program application and participation agreement on a form prescribed by the department. The program application shall contain at least the following information:

a. An acknowledgment of accessor control of the site signed by the fee titleholder in the affected property. If acknowledgment of access cannot be obtained, the participant must describe efforts to obtain access and reasons why it has been refused.

b. The name, address and other relevant information of each current and anticipated participant(s). The description should include a brief statement of the reasons for each person's participation including but not limited to that person's interest in and legal relationship to the property enrolled and the expected role and scope of any participation. Other persons who are not participants but who may have an interest in the project should be identified, such as state and local development agencies, community groups, and financing sources.

c. The participant(s) must demonstrate the presence of hazardous substances at concentrations that warrant response action(s) under the standards in this division. At a minimum, the environmental condition to be addressed must be documented by the submission of a report that includes the following:

(1) Analyses for a contaminant regulated under this division must be performed by a laboratory certified for the analyte(s) and applicable method pursuant to 567—Chapter 83.

(2) A description of the current and historical uses of the property based on a reasonable and diligent inquiry. This must include a description of the following: known sources and probable locations of hazardous substances and probable location of the sources at the property that the participant proposes to address as part of the project; a general description of the historical uses of the property and probable hazardous substances that could reasonably be associated with past land use; and a general description of the surface characteristics of the property and surrounding areas such as current zoning, residential, commercial and industrial uses, and current uses of adjoining properties.

d. Any assessments or other reports relating to contamination at the property in excess of a statewide standard or reportable under division I of this chapter that are known to and within the control of the participant shall be submitted. If the participant intends to claim that information constitutes a privileged environmental audit as provided in Iowa Code chapter 455K, the participant must notify the department of the claim and resolve the issue of privilege prior to submittal. The participant shall not submit to the department a report or any part of a report that it claims to be privileged and any information submitted under this paragraph shall be deemed a nonprivileged submittal as provided in Iowa Code section 455K.6(1)*"a."* This provision does not relieve the participant of any obligation to notify the department of a hazardous condition as provided in Iowa Code section 455B.386 and rules under division I of this chapter.

e. A statement of the project objectives that includes the current use of the property, proposed development activities, and an expected time frame for meeting these objectives. The statement should include a general description of the scope of the proposed environmental condition to be addressed and a proposed schedule for initiation and submittal of site assessment activities pursuant to 567—105.208(455H). The statement should describe any foreseeable barriers toward achieving project objectives such as access to property, financing uncertainties, legal actions, allocation of responsibility amongst parties.

f. A list of all known permits and regulatory actions and directives associated with an environmental condition at the site. If any parcel of the proposed enrolled site is subject to any federal regulatory corrective action directives, administrative orders or judicial actions, these must be explained. The participant must submit written proof that the appropriate federal regulatory agency has been notified of the participant's desire to participate in the Iowa land recycling program.

Objections, concerns or issues that could lead to disputes regarding dual or conflicting jurisdiction should be resolved prior to application, if possible, and before admission.

g. The department will respond in writing within 60 days of receipt of the enrollment application. The department will notify the participant(s) whether the site has been accepted and an expected time line for assignment of the project to a manager. If the site is not accepted, the department will notify the participant of the reason(s). Upon notification of admission, the property shall be considered enrolled. Once the department has assigned the enrolled site to a project manager, the department will enter into a participation agreement with the participant(s).

105.203(4) *Enrollment fees and oversight costs.* A nonrefundable enrollment fee of $750 must be submitted with the program application. This fee is intended to cover the department's cost of reviewing the program application and a minimum amount of subsequent oversight costs. Subsequent fees in excess of the minimum $750 may be assessed for actual oversight costs incurred by the department as provided in this division. Department oversight activities may include but are not limited to review of documents, meetings with the participant(s), site visits, sampling, and laboratory costs related to verification of submitted materials. The total fees for oversight costs shall not exceed $7,500 per enrolled site enrolled prior to July 1, 2018. For sites enrolled on or after July 1, 2018, the fee shall not exceed $25,000 per enrolled site. Fees shall be assessed and collected as follows:

a. Hourly billing rate. Project oversight fees shall be based on an hourly rate to cover wages and overhead costs of personnel employed by the department in the Iowa land recycling program. The department shall calculate and publish on an annual basis an hourly billing rate at which oversight fees shall be calculated.

b. Quarterly payments. The department shall bill the participant(s) on a quarterly basis for additional oversight costs beyond the review of the application incurred by the department. The participant(s) shall pay the department within 30 days after receiving the department's quarterly fee statement. If there is more than one participant, each shall be jointly and severally responsible for payment. The department will provide split billings if provided with an enforceable written contract allocating the fees amongst the participants.

c. Failure to pay required fees. If the participant(s) fails to pay department oversight fees that are required under this subrule, the department shall cease to provide oversight to the participant(s) and terminate enrollment of the site as described in 105.203(7).

105.203(5) *Participation agreement.* All participants shall enter into a participation agreement. This agreement shall be executed at the time the project is assigned to a project manager. At a minimum, the agreement shall establish the following:

a. A requirement that the participant(s) agree and provide necessary documentation to ensure reasonable access to the affected property by department staff and other authorized representatives of the department.

b. A requirement that the participant(s) reimburse the department for the actual costs assessed as provided in 105.203(3).

c. A requirement that the participant(s) certify that they have the financial means to complete the project based on an initial estimate of completion costs. The department may require modification and amendment of the financial certification at any stage in the project and may require the participant(s) to provide financial documentation as necessary to support the certification.

d. A requirement that the participation agreement include a general description of the scope of the project and the goals to be achieved, a general time frame for submission and review of documents in accordance with this division, allocation of responsibility amongst multiple participants and other appropriate milestones. Either the participant(s) or the department may request a meeting to develop a statement describing the scope, goals, and time frames for the project.

105.203(6) *Prioritization.* Eligible sites will be enrolled in the order in which they are received. The department reserves the right to elevate the priority of a given site if it determines the public health and safety and the environment or environmental conditions in combination with the

development objectives consistent with Iowa Code section 455H.104 is significantly greater than those of sites with an earlier enrollment date.

105.203(7) *Withdrawal procedures.* Enrollment and continued participation in the program are voluntary. The participant(s) may withdraw the enrolled site and individual participants may withdraw from further participation in the Iowa land recycling program at any time upon written notice to the department. Any participant who withdraws an enrolled site from further participation in the program shall not be entitled to any refund or credit for the $750 enrollment fee and shall be liable for any oversight costs actually incurred by the department up to the cap of $7,500 per enrolled site enrolled prior to July 1, 2018, and $25,000 per enrolled site enrolled after July 1, 2018. A participant who withdraws a site prior to completion of all response action(s) required by this division and issuance of a no further action certificate in accordance with 567—105.211(455H) forfeits all benefits and immunities provided by this division and Iowa Code chapter 455H. Prior to withdrawal, the participant(s) shall submit a plan, which must be approved by the department, for stabilization of conditions at the site or a justification for why further action to stabilize the site is not necessary. Participants shall be required to take such actions as the department determines necessary to stabilize conditions at the site, including but not limited to securing or properly abandoning monitoring wells, removing or otherwise properly disposing of all contaminated soil excavations, removing or properly disposing of exposed or exhumed contaminants, filling or properly fencing open excavations, and posting safety notices.

105.203(8) *Termination of enrollment.* Enrollment of the participant(s) may be terminated based on a finding of material noncompliance with department rules and statutory requirements including but not limited to the following:

a. Significant failure, after written notice, to comply with schedules for completion and submission of reports and implementation of response action(s) required by these rules or otherwise agreed upon in writing by the department and participants. Written requests for reasonable schedule extensions may be granted upon a showing of extenuating circumstances beyond the control of the participant(s) and the participant(s) agent or contractor.

b. Failure to proceed in a timely manner after written notice in performing the additional response action required due to a failure of technological and institutional controls pursuant to 567—105.207(455H).

c. Material misstatement or omission of fact in reports submitted to the department by the participant or agents of the participant.

d. Evidence that the site falls under one of the exclusion categories in 105.203(2).

e. Failure to pay required fees to the department as required in 105.203(3).

105.203(9) *Appeal rights.* The department will notify participant(s) of a denial of enrollment or of an intent to terminate enrollment and provide a statement of reasons. The participant(s) shall have a right to appeal the decision to deny enrollment or to terminate enrollment. Upon timely appeal, contested case procedures shall be initiated pursuant to 561—Chapter 7.

567—105.204(455H) Background standards.

105.204(1) *Purpose.* This rule defines the basis and procedure for establishing background standards in groundwater, soil, surface water and air. Background standards represent concentrations of contaminants that are naturally occurring or generally present and not related to a readily identifiable release. Background standards provide a baseline for assessing impacts of contaminant releases from within the affected area.

105.204(2) *Determination of background standards.* Background standards shall be based on sampling at appropriate site-specific background locations. Background sampling locations shall be outside the influence of any possible contamination associated with releases occurring on the property in which the enrolled site is located. Sufficient supporting information shall be provided to demonstrate the appropriateness of background sampling locations. Appropriateness for background sampling locations has two aspects that shall be addressed:

a. Background samples shall be collected from a location that represents a true background condition with respect to the enrolled site. A background groundwater sample shall be collected from an upgradient location relative to groundwater movement.

b. Background samples will represent conditions that are comparable to the contaminated media being addressed. In the case of soils, samples from the affected area and the background areas will be comparable in physical, chemical, and biological attributes.

Sampling conducted for the purpose of establishing a background standard shall meet quality criteria specified for the site assessment, 567—105.208(455H). The minimum number of samples to be collected from the medium of concern for which a background standard is being established shall be consistent with 567—105.210(455H), regarding demonstration of compliance.

567—105.205(455H) Statewide standards.

105.205(1) *Purpose.* This rule defines the basis and procedure for establishing statewide standards for contaminants in groundwater, soil, and surface water. Statewide standards for groundwater and soil represent concentrations of contaminants in these media at which normal exposure via ingestion and dermal contact with soil is considered unlikely to pose a threat to human health. Statewide standards for surface water are based on protection of aquatic life and protection of human health. This rule also describes how air standards are to be addressed.

105.205(2) *Scope.* Statewide standards described herein address what are considered to be the most likely, normal exposure situations within the state of Iowa. Statewide standards for groundwater address direct exposure via ingestion to individual contaminants in the media of concern only. Statewide standards for soil address direct exposure to individual contaminants via ingestion and dermal contact in the media of concern only. In the event exposure to multiple contaminants may occur or exposure from more than one medium may occur, statewide standards alone may not be protective of human health; therefore, cumulative risk standards must be met in accordance with 105.210(7). In addition, the department may deny the use of the statewide standards prescribed herein and require the use of site-specific standards based on site-specific conditions pursuant to 105.206(10). Examples of exposure concerns not anticipated by the statewide standards include but are not limited to:

a. Significant plant uptake of contaminants from soil or groundwater;

b. Contaminants entering drinking water lines from contact with soil or groundwater;

c. Ecological concerns, other than for surface water;

d. Groundwater in a nonprotected groundwater source that is used or likely to be used for drinking water or other use.

105.205(3) *Establishment of risk-based contaminant concentrations.*

a. Risk-based concentration formula. Risk-based contaminant concentrations for soil and groundwater, except lead, shall be computed using the following formula, where appropriate:

(Formula I)

$$C = \left| \frac{RF \times AT \times 365 \text{ days/year}}{Abs \times [(ER_c \times EF_c \times ED_c) \div BW_c + (ER_a \times EF_a \times ED_a) \div BW_a] \times CF} \right|$$

NOTE: When a risk-based concentration is computed for two routes of exposure to the same medium (e.g., soil oral exposure and soil dermal exposure), the composite risk-based concentration equals the multiple of the risk-based concentration for each route of exposure divided by the sum of the risk-based concentration for each route of exposure.

Where: C = Concentration of contaminant (soil: mg/kg, water: mg/l)

RF = Risk factor

For protection from cancer health risks:

$RF = TR \div SF$

Where: TR = Target cancer risk (unitless)

SF = Slope factor $[(mg/kg)/day]^{-1}$ for a route of exposure; see 105.205(3)*"c"* for source.

For protection from noncancer health risks:

RF = THQ × RfD

Where: THQ = Target hazard quotient (unitless)

RfD = Reference dose (mg/kg)/day for a route of exposure; see 105.205(3)*"c"* for source.

AT = Averaging time (years); time over which exposure is averaged and potential adverse effects may occur

Abs = Absorption factor (unitless); portion of exposed contaminant absorbed by the body

ER_c = Exposure rate by a child (soil: mg/day, water: l/day)

EF_c = Exposure frequency by a child (days/year)

ED_c = Exposure duration by a child (years)

BW_c = Body weight of exposed child (kg)

ER_a = Exposure rate by an adult (soil: mg/day, water: l/day)

EF_a = Exposure frequency by an adult (days/year)

ED_a = Exposure duration by an adult (years)

BW_a = Body weight of exposed adult (kg)

CF = Conversion factor: 10^{-6} kg/mg for soils; 1 (unitless) for water

b. Carcinogenic classification of chemicals. The potential carcinogenicity of chemicals will be based on the weight-of-evidence classification system utilized by the EPA. Risk-based concentrations will be based on cancer health effects for individual chemicals that are classified as Group A or Group B. The risk-based concentration for an individual chemical will be based on noncancer health effects for chemicals that are classified as Group C, Group D or Group E. In the absence of such classification for a chemical, the Group D classification will be assumed. Noncancer risks for a Group A or Group B chemical will be included in the determination of cumulative noncancer risk in accordance with 105.210(7), if a reference dose exists for that chemical. Cancer risk associated with a Group C chemical shall be included in the determination of cumulative cancer risk in accordance with 105.210(7), if a cancer slope factor exists for that chemical.

c. Source of toxicity values. EPA's Integrated Risk Information System (IRIS) shall be the primary source of information on toxicity factors (e.g., oral reference doses and oral slope factors), carcinogenic classification for chemicals, and the target organs. Such information that is not available on IRIS shall be obtained from other sources consistent with current EPA guidelines. The Iowa department of health and human services (HHS) shall be consulted regarding toxicity values not available on IRIS. Absorption factors for dermal soil exposure shall be based on best available information, which will usually be obtained from EPA guidance documents.

105.205(4) *Statewide standards for groundwater.*

a. Protected groundwater source. Statewide standards for groundwater in a protected groundwater source will be the enforceable MCL established by the EPA pursuant to the Safe Drinking Water Act as amended in 1996, if an MCL exists. If no enforceable MCL exists, the statewide standard for chemicals will be the HAL as provided in the Drinking Water Regulations and Health Advisories by the EPA's Office of Water. Interim or provisional HALs can also be used. If no MCL or HAL exists, the statewide standard for a chemical will be calculated using Formula I and input variables for groundwater ingestion in accordance with Table I.

b. Groundwater in a nonprotected groundwater source. The statewide standard for a chemical in groundwater in a nonprotected groundwater source will be five times the statewide standard for the chemical in a protected groundwater source or a risk-based concentration using Formula I with input variables specified in Table I, whichever is larger. The statewide standards for groundwater in a nonprotected groundwater source are based on groundwater ingestion only.

Table I

Input Variables for Risk-Based Statewide Standards for Groundwater from Protected and Nonprotected Groundwater Sources

Parameter	Units	Cancer Group	Protected	Nonprotected
TR	unitless	A, B	5×10^{-6}	1×10^{-4}
SF	$[(mg/kg)/day]^{-1}$	A, B, C	Chem.-spec.	Chem.-spec.*
THQ	unitless	C	0.02	0.1/1*
		D, E	0.2	1
RfD	(mg/kg)/day	C, D, E	Chem.-spec.	Chem.-spec.
AT	years	A - E	70	70
Abs	unitless	A - E	1	1
ER_c	l/day	A - E	1	1
EF_c	days/yr	A - E	0	0
ED_c	years	A - E	6	6
BW_c	kg	A - E	15	15
ER_a	l/day	A - E	2	2
EF_a	days/yr	A - E	365	365
ED_a	years	A - E	70	70
BW_a	kg	A - E	70	70
CF	unitless	A - E	1	1

The risk-based concentration using Formula I for Cancer Group C chemicals that have an SF value established per 105.205(3)"c"* will be the larger of a value based on the risk factor for protection from noncancer health risks with a THQ = 0.1 or the risk factor for protection from cancer health risks. Risk-based concentrations using Formula I for Cancer Group C chemicals that do not have an SF value established per 105.205(3)*"c"* will be a value based on the risk factor for protection from noncancer health risks with a THQ = 1.

105.205(5) *Statewide standards for soil.* Statewide standards for chemicals in soil, except lead, will be calculated using Formula I based on incidental ingestion of soil and dust and dermal contact with soil with input variables in accordance with Table II. The statewide standard for lead in soil shall be 400 mg/kg.

Table II

Input Variables for Statewide Soil Standards

			Route of Exposure	
Parameter	Units	Cancer Group	Oral	Dermal
TR	unitless	A, B	5×10^{-6}	5×10^{-6}
SF	$[(mg/kg)/day]^{-1}$	A, B, C*	Chem.-spec.	Chem.-spec.
THQ	unitless	C*	0.1/1	0.1/1
		D, E	1	1
RfD	(mg/kg)/day	C, D, E	Chem.-spec.	Chem.-spec.
AT	years	A, B	70	70
		C, D, E	6	6
Abs	unitless	A - E	1	Chem.-spec.
ER_c	mg/day	A - E	200	560**
EF_c	days/yr	A - E	350	350
ED_c	years	A - E	6	6
BW_c	kg	A - E	15	15
ER_a	mg/day	A - E	100	400**
EF_a	days/yr	A - E	350	350
ED_a	years	A, B	24	24
		C, D, E	0	0

BW_a	kg	A - E	70	70
CF	kg/mg	A - E	10^{-6}	10^{-6}

The risk-based concentration using Formula I for Cancer Group C chemicals that have an SF value established per 105.205(3)"c"* will be the larger of a value based on the risk factor for protection from noncancer health risks with a THQ = 0.1 or the risk factor for protection from cancer health risks. Risk-based concentrations using Formula I for Cancer Group C chemicals that do not have an SF value established per 105.205(3)*"c"* will be a value based on the risk factor for protection from noncancer health risks with a THQ = 1.

**Dermal exposure rate is based on 2,800 cm^2 of exposed skin on a child with 0.2 mg/cm^2 of soil adhering to the child's skin and 5,700 cm^2 of exposed skin on an adult with 0.07 mg/cm^2 of soil adhering to the adult's skin per each dermal exposure event. A dermal exposure event is assumed to be one event per day of exposure.

105.205(6) *Statewide standards for surface water.* Water quality standards pursuant to 567—Chapter 61 shall be considered statewide standards for surface water. If a promulgated water quality standard does not exist for a contaminant of concern, the department may establish an appropriate standard in a manner consistent with 567—Chapter 61.

105.205(7) *Statewide standards for air.* Ambient air quality standards pursuant to 567—Chapter 28 constitute statewide standards for air. Air emission sources must meet air quality emission standards as set forth in 567—Chapters 20 through 33 inclusively, as applicable. Any relevant air quality standard that is subsequently promulgated by statute or rule shall become a statewide standard for air upon the effective date of adoption by the state. In the absence of applicable, adopted standards, site-specific air standards must be met, in accordance with 105.206(9), when air quality issues are addressed at a site.

105.205(8) *Point of exposure for statewide standards.* The point of exposure associated with the use of only statewide standards in the determination of compliance will be assumed to be anywhere and everywhere, except for surface water. The point of exposure associated with the use of statewide standards for surface water will be assumed to be the point of groundwater or other site runoff immediately before it discharges to the surface water body.

105.205(9) *Practical quantification limits.* In no case will the statewide standard be less than the practical quantification limit, as determined by the department.

105.205(10) *Maintenance of statewide standards.* The toxicity values, absorption factors for dermal exposure to soils, and promulgated standards that are a basis for statewide standards are subject to periodic revision due to actions not governed under this rule. The department in conjunction with the HHS will maintain a current list of toxicity values, absorption factors for dermal exposure to soils, target organs for cumulative noncarcinogenic health risks, promulgated standards, and the resultant statewide standards that will be readily available to the public. This guidance document will reference all the sources of the information. In the absence of a dermal slope factor or a dermal reference dose for a chemical, the oral slope factor or oral reference dose will be used with adjustments made to account for differences in oral and dermal absorption rates in accordance with current EPA guidance. Statewide standards for individual sites will be locked-in at the beginning of the site assessment process pursuant to 567—105.208(455H). If a statewide standard does not exist for a chemical, it will be the department's responsibility to establish a statewide standard, pursuant to 105.205(4) and 105.205(5), for groundwater and soil, and to add the newly established statewide standard to the comprehensive list of statewide standards in the guidance document maintained by the department.

567—105.206(455H) Site-specific standards.

105.206(1) *Purpose.* As opposed to statewide standards, site-specific standards are derived by applying exposure and risk assumptions applicable to the conditions at a particular site. Like statewide standards, site-specific standards must always be shown to be protective of public health and safety

and the environment. Statewide standards may be used in combination with site-specific standards to address different exposure pathways. Site-specific standards may be required to address exposure pathways that the department determines must be evaluated to be protective of human health, safety and the environment and for which statewide standards have not been established under 567—105.205(455H). Site-specific standards may involve development of target levels for contaminants of concern based on site-specific exposure assumptions for use in lieu of background or statewide standards. Site-specific standards may also include consideration of the actual or potential location where exposure to contaminants occurs or may occur, the likelihood of an exposure occurring, and the overall magnitude and extent of contamination. Site-specific standards may involve use of site-specific target levels for contaminants of concern alone or in conjunction with other site-specific criteria, such as the location where the standard is applied.

105.206(2) *General provisions.*

a. This rule establishes a minimum protocol that must be met at all enrolled sites that have not established compliance by application of background or statewide standards. Groundwater ingestion and soil ingestion pathway standards under this rule must be evaluated. Surface water and air quality standards under 105.206(8) and 105.206(9) must be met whenever exposure concerns are evident and the participant or the department determines these pathways may present an unacceptable risk for current or future exposures. This rule is not intended to preclude the department or the participant from addressing other exposure pathways, and the department expressly reserves the right to require evaluation of other exposure pathways and compliance with site-specific standards developed for them, such as dermal contact, ingestion of vegetables containing contaminants from soil or irrigation water, migration of contaminants from groundwater or soil into water distribution lines or into air in a confined space, migration of contaminants from soil to groundwater, and migration of contaminants in a nonprotected groundwater source to a protected groundwater source. Participants must establish compliance with standards applicable to all exposure pathways required by the department under this rule in order to qualify for no further action classification under 567—105.211(455H) unless granted a waiver as provided in Iowa Code section 455H.205.

b. Site-specific standards are subject to the approval of the department. Assurances in the form of technological or institutional controls in accordance with 567—105.207(455H) will be required, as needed, to ensure continued protectiveness of site-specific standards.

c. 105.206(3) through 105.206(11) provide options for site-specific standards. The participant may select any of these options, or combinations thereof, for use as site-specific standards.

105.206(3) *Site-specific groundwater point of exposure.* A site-specific groundwater standard may be an appropriate target level applied at groundwater points of exposure that are limited by technological or institutional controls.

a. A point of exposure for groundwater is a location within the affected area where a well exists or could be placed (potential point of exposure). Where technological or institutional controls are determined to effectively restrict the placement of groundwater wells, the points of exposure apply outside the area of restriction. A sufficient number of points of exposure may be established for determining compliance such that compliance with appropriate target levels at these points will ensure compliance at all points of exposure. A compliance point of exposure will be a location at the boundary of the area restricted by an institutional control where a groundwater well could be installed that would have the highest contaminant concentration, unless otherwise approved by the department. More than one compliance point of exposure must be established due to uncertainties within the environment such as spatial and temporal variabilities in groundwater flow and contaminant occurrence, unless the department approves otherwise.

b. Target levels. The point of exposure target level for drinking water wells is the statewide standard applicable to groundwater ingestion or an alternative site-specific target level approved under 105.206(10) or 105.206(11). The point of exposure target level for non-drinking water wells is the statewide standard applicable to nonprotected groundwater or an alternative site-specific target level approved under 105.206(10) or 105.206(11). The point of exposure target level for nonused

groundwater meeting the conditions in 105.206(5) is the statewide standard for a nonprotected groundwater source.

c. Nonprotected groundwater sources. A nonprotected groundwater source that is affecting or likely to affect an existing drinking water well shall be required to meet the same site-specific standards, including point of exposure target level(s), as applied to a protected groundwater source.

d. Unless conditions can be demonstrated to be stable, predictive techniques in accordance with 105.209(4) must be used to determine the future effects of groundwater contamination on existing drinking and non-drinking water wells and to determine the area predicted to exceed the point of exposure target level(s) where wells could be installed. When using predictive techniques, determining the location(s) where the applicable point of exposure target level is expected to be exceeded may involve comparison of the appropriate numerical standard to the predicted contaminant concentration at a passive monitoring well at the groundwater point of exposure. Alternatively, predictive techniques using site-specific models pursuant to 105.209(4)*"b"* may involve simulation of pumping at a well located at the point of exposure, in which case the pumping rate used in the simulation shall be the rate that is reasonably possible for the area that yields water with the highest contaminant concentration. In absence of site-specific justification for doing otherwise, long-term pumping will be assumed to be at a rate of 100 gallons per day; the sustainable yield, if less than 100 gallons per day; or a reasonable, higher rate, if such a rate results in higher contaminant concentration.

e. Institutional controls. For a protected groundwater source or a nonprotected groundwater source as described in 105.206(3)*"b,"* institutional controls must be shown to effectively prohibit the installation of wells for the period of time in which contaminant concentrations might otherwise be expected to result in an exceedance of the appropriate target levels. For a nonprotected groundwater not described in 105.206(3)*"b,"* a less stringent standard of effectiveness as well as the type of future well installation to be restricted may be utilized for those areas of potential concern. Unless there is a history of usage of what might otherwise be considered nonprotected groundwater or there is uncertainty as to the uniformity in the hydraulic characteristics of the nonprotected groundwater source, notice to the authority responsible for permitting private wells under 567—Chapters 39 and 49 may be adequate, especially if combined with a municipal or county ordinance prohibiting installation of private wells based on the availability of a public water supply.

105.206(4) *Site-specific groundwater point of compliance.* A site-specific standard may be established for a site-specific groundwater point of compliance that is different from a compliance point of exposure. A site-specific groundwater point of compliance must be used in conjunction with all groundwater compliance points of exposure pursuant to 105.206(3) to provide an alternative monitoring location. Target levels for contaminants of concern at a site-specific groundwater point of compliance must be established using predictive techniques as specified in 105.209(4). A target level established for a groundwater point of compliance must ensure that the appropriate target level at the groundwater compliance points of exposure will be achieved. A groundwater point of compliance shall be located on the contaminant migration path from the contaminant source to the point of exposure to the maximum extent practicable.

105.206(5) *Nonused groundwater in a protected water source.*

a. Statewide standards for groundwater in a nonprotected groundwater source, pursuant to 105.205(4)*"b,"* may be used as target levels for contaminants in an otherwise protected groundwater source when groundwater in the affected area is not used and is not likely to be used in the future in accordance with the following. It must be demonstrated to the satisfaction of the department that contaminants from the enrolled site do not currently, and likely will not in the future, have an impact on any existing water supply well. Any detection, or predicted detection above the practical quantification limit, of a chemical that can be attributed to a release from the enrolled site will be considered to constitute an impact. In addition, it must be demonstrated to the satisfaction of the department that the impacted or potentially impacted aquifer is not a locally significant water resource. Factors that will go into this determination may include but are not limited to:

1. Existence of a nonimpacted public water supply in the potentially affected area;

2. General availability of other water resources in the vicinity;

3. Plans for development of public water supplies in the vicinity;

4. Potential for use of the impacted aquifer as a water supply (e.g., yield, natural water quality); and

5. Identification of the aquifer(s) commonly used for water supply in the vicinity.

b. A local ordinance prohibiting installation of private drinking water wells or notification to the local water utility and water permitting authority, or both, may constitute acceptable institutional controls for site-specific standards under this subrule.

c. The target levels that may be used in accordance with this subrule are based solely on groundwater ingestion. Compliance with this site-specific standard will not guarantee that contaminants in groundwater may not cause unacceptable exposure via other pathways (e.g., groundwater to air in a confined space, groundwater to surface water, or groundwater to a water distribution line).

105.206(6) *Site-specific soil standards based on land use and soil depth.* Site-specific soil standards based on land use and soil depth in conjunction with institutional controls may be used. Predetermined site-specific soil exposures based on land use and soil depth are provided in the following paragraphs. Lists of resulting site-specific soil standards for individual contaminants for these land-use and soil-depth categories will be maintained by the department in a guidance document and made readily available to the public. Use of these site-specific soil standards must be supported by appropriate institutional controls. Site-specific soil standards based on land use and soil depth, as described herein, address ingestion of and dermal contact with soil. Compliance with these standards will not guarantee that contaminants in soils may not cause unacceptable exposure via other pathways (e.g., ecological exposure, soil to groundwater, subsurface movement of vapors from soil to indoor air). In addition, the risk factors that form the bases for site-specific soil standards for individual contaminants, with the exception of some Group C chemicals, are the same as acceptable cumulative risk factors allowed for exposure to multiple contaminants in the same medium and multiple media. Therefore, compliance with site-specific soil standards for individual contaminants may not result in compliance with cumulative risk requirements pursuant to 567—105.210(455H).

a. Deep soil in a residential land-use area. Site-specific soil standards for deep soils equaling ten times the statewide standard for soils, except for lead, may be used. The site-specific standard for lead in deep soil in a residential land-use area shall be calculated using the EPA's Exposure Model for Assessing Risk Associated with Adult Exposures to Lead in Soil (U.S. EPA, 1996). Soils at a depth of ten feet and greater will normally be classified as deep soils. The department may deny the use of a deep soil standard associated with a residential land use or require a modification to the standard due to site-specific considerations including topography, development potential, and actual development plans. The use of a site-specific standard for deep soil in a residential land-use area shall be supported by an institutional control that permanently records the existence of contaminants above statewide standards in deep soils and restricts excavation resulting in deep soils being placed on the surface.

b. Nonresidential land use. The nonresidential land-use designation will be applicable to areas that are not classified as residential. Site-specific soil standards, except for lead, for nonresidential areas may be based on Formula I using the risk and exposure factors shown in Table III. A value of 1,100 mg/kg may be used as a site-specific soil standard for lead in soils less than 2 feet deep in a nonresidential land-use area. In lieu of this default site-specific lead standard, a site-specific standard for lead in soil less than 2 feet deep may be calculated using the EPA's Exposure Model for Assessing Risk Associated with Adult Exposures to Lead in Soil (U.S. EPA, 1996). The site-specific standard for lead in soils greater than 2 feet deep in a nonresidential land-use area shall be calculated using the EPA's Exposure Model for Assessing Risk Associated with Adult Exposures to Lead in Soil (U.S. EPA, 1996). The use of a nonresidential land-use classification must be supported by an environmental protection easement that prevents a change in land use to residential.

Table III

Input Variables for Site-Specific Soil Standards for Individual Contaminants for Nonresidential Area Land-Use Designation

Parameter	Units	Cancer Group	Soil Depth (ft.)	
			≤2	>2
TR	unitless	A, B	1×10^{-4}	1×10^{-4}
SF (oral)	$[(mg/kg)/day]^{-1}$	A, B, C*	Chem.-spec.	Chem.-spec.
SF (dermal)	$[(mg/kg)/day]^{-1}$	A, B, C*	Chem.-spec.	Chem.-spec.
THQ	unitless	C*	0.1/1	0.1/1
		D, E	1	1
RfD (oral)	(mg/kg)/day	C, D, E	Chem.-spec.	Chem.-spec.
RfD (dermal)	(mg/kg)/day	C, D, E	Chem.-spec.	Chem.-spec.
AT	years	A, B	70	70
		C, D, E	1	1
Abs (oral)	unitless	A - E	1	1
Abs (dermal)	unitless	A - E	Chem.-spec.	Chem.-spec.
ER_c	mg/day	A - E	0	0
EF_c	days/yr	A - E	0	0
ED_c	years	A - E	0	0
BW_c	kg	A - E	15	15
ER_a (oral)	mg/day	A, B	100	330
		C, D, E	330	330
ER_a (dermal)	mg/day	A, B	660**	990**
		C, D, E	660**	990**
EF_a	days/yr	A, B	225	200
		C, D, E	200	200
ED_a	years	A, B	25	1
		C, D, E	1	1
BW_a	kg	A - E	70	70
CF	kg/mg	A - E	10^{-6}	10^{-6}

NOTE: Oral and dermal factors are the same unless otherwise noted.

The risk-based concentration using Formula I for Cancer Group C chemicals that have an SF value established per 105.205(3)"c"* will be the larger of a value based on the risk factor for protection from noncancer health risks with a THQ = 0.1 or the risk factor for protection from cancer health risks. Risk-based concentrations using Formula I for Cancer Group C chemicals that do not have an SF value established per 105.205(3)*"c"* will be a value based on the risk factor for protection from noncancer health risks with a THQ = 1.

**Dermal exposure rate is based on 3,300 cm^2 of exposed skin on an adult with 0.2 mg/cm^2 of shallow soil adhering to the skin and 0.3 mg/cm^2 of deep soil adhering to the skin per each dermal exposure event. A dermal exposure event is assumed to be one event per day of exposure.

105.206(7) *Site-specific cumulative risk for residential exposures to soil.* A cumulative risk standard may be used as a site-specific standard for soil in lieu of statewide standards that are provided in 105.205(5) for individual chemicals and soil. Cumulative risk will be determined using the toxicity values and exposure factors (i.e., the input variables less TR and THQ) from Table II in 105.205(5). Criteria for compliance with the cumulative risk standard are specified in 105.210(7). No institutional control will be required with the use of this site-specific standard.

105.206(8) *Site-specific surface water standards.* The department will establish site-specific surface water standards at the request of the participant. The participant shall provide the department with information necessary to make this determination upon request from the department. Site-specific surface water standards will be generally equivalent to effluent limitations under a National Pollutant Discharge Elimination System (NPDES) permit pursuant to 567—Chapter 62. Mixing zones and allocation of contaminant loads in a surface water body will be considerations in attainment of in-

stream water quality standards. If the site-specific surface water quality standards are met, best practical control technology currently available will not be imposed.

105.206(9) *Site-specific air standards.* If there are air quality concerns at a site, they will be addressed with site-specific standards until such time as ambient air quality or source-specific standards are adopted for hazardous air pollutants, unless an alternative method is approved by the department.

a. Explosivity. In no case shall contaminants from the enrolled site cause an explosivity level in a confined space of greater than 10 percent of the lower explosivity limit.

b. Background. In addition to the establishment of a background standard pursuant to 567—105.204(455H), a site-specific air standard may be set at twice the typical background level based on published information for a comparable setting, if approved by the department.

c. Health risk. Site-specific standards for air in a confined space shall be risk-based using the chemical-specific toxicity values of inhalation unit risk (UR) and inhalation reference concentration (RfC) determined in accordance with 105.205(3)*"c."* Formulas II and III shall be used to calculate risk-based, site-specific air standards based on carcinogenic and noncarcinogenic effects, respectively, where C is the risk-based contaminant concentration in air. If a value for both RfC and UR exists for a compound, the risk-based site-specific standard will be the smaller of C resulting from Formulas II and III.

(Formula II)

$$C = AF \times TR \div UR$$

(Formula III)

$$C = AF \times RfC$$

The UR and RfC toxicity values are based on a continuous exposure of 20 cubic meters per day by a 70 kg adult. The adjustment factor (AF) in Formulas II and III may be used to adjust for site-specific exposure conditions. A target cancer risk (TR) of 10^{-4} shall be used unless another value is approved by the department.

d. Institutional or technological controls. Institutional or technological controls may be used to prevent future exposure to contaminants in air in confined spaces and will be required to prevent residential use of the affected area when a nonresidential air standard is used.

105.206(10) *Site-specific standards based on site-specific factors.* Numerical site-specific standards (i.e., target levels) for groundwater or soil may be established using site-specific exposure factors in Formula I. Site-specific pumping rates greater than specified in 105.206(3)*"d"* herein may be used when approved by the department. Site-specific exposure factors must be approved by the department. For the department to approve any such site-specific factor there must be well documented rationale for doing so and appropriate institutional or technological controls must be provided.

105.206(11) *Site-specific standards or approaches not anticipated by this rule.* Nothing in this rule precludes the use of site-specific standards derived in some way not anticipated by this rule, provided that the rationale is adequately presented and the approach is both approved by the department and provides a level of protection comparable to standards set forth under this rule.

567—105.207(455H) Technological and institutional controls.

105.207(1) *Technological controls.* The purpose of a technological control is to effectively sever a pathway by use of technologies such that an applicable receptor could not be exposed to hazardous substances above an applicable target risk level. Subject to limitations in this division, technological controls are an acceptable response action either alone or in combination with other remediation systems and institutional controls. The purpose of technological controls may be to control plume migration through use of containment technologies, barriers, or other methods, as an interim or permanent response action or to permanently sever a pathway to a receptor. Technological controls may also be appropriate to treat or control contamination at the point of exposure. Any technological control proposed as a permanent response action option without meeting the reduction in contaminant

concentrations objectives must establish that the pathway to a receptor will be permanently severed or controlled. The effectiveness of a technological control must be monitored under a department-approved plan. The department may require reasonable proof of financial assurance when necessary to ensure that a technological control remain effective.

105.207(2) *Institutional controls.* The purpose of an institutional control is to restrict access to or use of an affected area such that an existing or future receptor could not be exposed to hazardous substances addressed by the controls for as long as the target level is exceeded at applicable points of exposure and compliance.

105.207(3) *Institutional and technological controls.* Single or multiple institutional controls may be used alone or in combination and may also be employed with technological controls and response action to effectively achieve, maintain and enforce an approved level of risk reduction and risk management. The following enumeration of types of institutional and technological controls is not a finding that each is per se an effective control. The effectiveness of any institutional or technological control or combination of controls must be evaluated on a case-by-case basis and in accordance with specified conditions in this division. Institutional and technological controls include:

a. A state or federal law or regulation that can be shown to effectively achieve, maintain and enforce the required land-use restrictions and controls.

b. An ordinance of any political subdivision of the state that can be shown to effectively achieve, maintain and enforce the required land-use restrictions and controls.

c. A contractual obligation recorded and executed in a manner satisfying Iowa Code chapter 558. Recorded notices and affidavits, including a no further action certificate as provided in 567—105.211(455H), which do not create rights or obligations or restrict land use but serve to put current and future property owners on notice of present or future conditions within the affected area.

d. A control that the participant demonstrates to the department reduces or manages the risk from a release through the period necessary to comply with the applicable standards, including but not limited to, informational devices such as public notices, informational registries, notices to regulatory authorities and continuing site activities such as periodic inspections, equipment repair and maintenance, and soil and groundwater monitoring.

e. An environmental covenant established in accordance with Iowa Code chapter 455I and section 455H.206.

105.207(4) *No further action certificates.* Any no further action certificate shall contain a specific reference to any applicable institutional and technological control and shall meet the requirements in 567—105.211(455H). The reference must identify the location of any recorded instrument, contractual agreement or other documents applicable to the control, provide a brief description of the terms of the control and, where appropriate, site diagrams.

105.207(5) *Failure of an institutional and technological control(s).* The effectiveness of institutional and technological controls may be jeopardized for several reasons including situations where the technological controls are no longer effective in achieving their technical objectives, the validity of technological or institutional control is challenged due to a pending or final administrative or judicial action or legislative action changing its regulatory effect (e.g., change in an ordinance), or persons fail to comply with the terms of the institutional or technological control. The effect of the failure of a technological or institutional control to achieve its intended purpose is to remove the no further action classification and put all interested parties in the same position had the no further action classification not been made. When the department has reason to believe a technological or institutional control is jeopardized or determines that the control is no longer effective, the following policy and procedure shall apply:

a. The department shall make reasonable efforts to provide notice of the failure or noncompliance to the participant(s), protected parties, persons having legal standing to enforce the terms of the controls, other persons who may be legally responsible for contamination at the site and persons legally obligated to comply with the terms of the controls. The notice shall inform these parties of the consequences of failure of the controls and provide the opportunity for one or more of

them to correct the deficiency by taking further response action or undertaking enforcement action to obtain compliance with the terms of the controls.

b. The participant(s) and other persons legally responsible for contamination at the site shall have primary responsibility to correct deficiencies or seek enforcement of the terms of controls, if they wish to maintain a no further action classification and any attendant statutory protections. The department may in its discretion seek enforcement of controls where persons fail to comply with the terms when it determines there is a strong likelihood of success, other participant(s) or legally responsible persons are unable or unwilling to undertake enforcement, and utilization of the controls remains consistent with these rules and site conditions currently in effect at the site. However, the department is not obligated to seek enforcement of the terms of any technological or institutional controls nor does the election not to undertake enforcement constitute a defense to further action by responsible parties or a basis for challenging the rescission of the no further action classification.

c. The department may also elect to require statutorily responsible parties to correct the deficiency as an alternative to rescinding the no further action classification.

d. Failure of a participant to timely undertake additional response action may result in termination of enrollment and loss of benefits under these rules and Iowa Code chapter 455H. Any person found to have intentionally violated an environmental protection easement or other institutional or technological control, whether included in a no further action certificate or as part of an approved response action, may lose any of the benefits under these rules or Iowa Code chapter 455H.

105.207(6) *Modification and termination of institutional and technological controls.* A participant or successor in interest to a participant, or an owner of property subject to an institutional or technological control, may seek approval from the department for the removal, discontinuance, modification or termination of an institutional or technological control. The person must demonstrate that the control in its present form is no longer required to ensure compliance with applicable standards. The person seeking revision must undertake sufficient risk assessment and provide sufficient assessment data to establish that the applicable compliance standards can be met based on the proposed modification. The department may also determine based on a revised assessment that the applicable controls are no longer effective to meet compliance standards and may require other response action. The department shall issue an amendment to any previously issued no further action certificate specifying the approved modification of the institutional or technological controls. Modification and termination of an environmental covenant shall be consistent with these rules and shall conform with Iowa Code chapter 455I.

567—105.208(455H) Site assessment.

105.208(1) *Purpose.* A participant must create a site assessment for every enrolled site. A participant may submit a site assessment to the department to characterize the attributes related to the enrolled site and facilitate the risk evaluation/response action. The purpose of the site assessment is to define the nature and extent of contamination, along with identifying likely exposure pathways, with the aim of characterizing potential, current and future risks and making an informed decision concerning an appropriate response in the context of probable future land uses at the site and in the surrounding area. Assessment is to be conducted with the recognition that contaminant fate and transport may alter the current areal extent and depth of contamination. It is recognized that the scope of such an assessment may be appropriately varied dependent upon interrelated factors including the nature and severity of the contamination, the complexity of specific details of the site and its setting, and the nature of the chosen response, if known.

105.208(2) *Site assessment plan; notice of proceeding without plan.*

a. The participant may submit for department review a site assessment plan prior to proceeding with the site assessment. Participants choosing to initiate site assessment without department review and approval of a work plan shall notify the department in writing of their intentions. Likewise, participants choosing to proceed to the risk evaluation/response action phase in accordance with 567—105.209(455H) without seeking review of the site assessment report shall give prior notice to

the department of their intentions. The notice shall include a schedule for implementation and completion, a description of the area to be assessed and the scope of the proposed assessment to be undertaken, any planned construction activities in the affected area and a proposed date for submission of the site assessment report for department review.

b. The plan is intended to lay out the rationale to be followed in the conduct of the site assessment and to provide an opportunity for the participant and the department to reach a consensus regarding the appropriate scope of the site assessment.

c. In order to accomplish this, the plan should address relevant, known characteristics related to the site and its history, including the results of any preliminary investigations performed at the site, as well as plans for addressing pertinent details spelled out in the subsequent sections on the site assessment and the site assessment report. Departmental review of the site assessment plan may result in suggestions regarding perceived shortcomings or proposed activities that are deemed to be unnecessary.

105.208(3) *Site assessment details.* An acceptable site assessment shall address one or more of the following items, as applicable, and any other objective the department deems necessary to characterize the attributes related to the enrolled site and its setting.

a. Identify and address the medium or media of concern associated with the contamination situation for which the site is enrolled. The regulatory classification or jurisdiction of contaminants shall be indicated if applicable and, if known, whether the compound is regulated under the Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), or Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

b. Characterize the nature, extent, and degree of contamination in both horizontal and vertical dimensions. This should involve appropriate sample numbers and locations within the contaminated area and beyond the area contaminated in excess of the background or statewide standard. Analyses shall be conducted for the contaminants of concern, breakdown products, and other contaminants likely to be present at significant levels. The department may also require analyses for additional contaminants that are not the focus of enrollment in the program, but that may be of special concern. Special concerns might include waste handling or treatment problems posed by the additional contaminants, or unacceptable risks remaining unaddressed within the affected area, due to the presence of the additional contaminants. In the case of groundwater, attention should also be given to the possibility of contaminant accumulation in strata overlying confining layers and to the possible presence of non-aqueous phase liquids (NAPL). In the case of groundwater, more than one round of sampling shall be incorporated, appropriately separated in time. In the case of soils, particular attention should be given to characterizing shallow soil contamination, from zero to six inches in depth.

c. Characterize the nature of the source of contamination or propose a conceptual model explaining the presence of the contamination of concern.

d. Characterize local contamination maxima or hot spots for the purposes of evaluation against relevant standards and to identify handling or treatment concerns that they may pose.

e. Characterize the stratigraphy. This should be done to a depth extending to the first significant confining layer below the deepest contamination. Descriptions should rely primarily on results gathered in the site assessment, but relevant reference materials or geologic logs from other sources may be incorporated as a supplement.

f. Characterize the hydrologic properties of the site and its vicinity to a distance appropriate to the fate, transport and exposure concerns associated with the site. This characterization should consider both horizontal and vertical components of groundwater movement as well as other influences on groundwater hydrology such as pumping wells, injection wells, surface water bodies, effects of seasonal or precipitation-driven variability, and possible aquifer interconnections, including those related to existing or abandoned wells. Water level measurements, related to a common datum, screening of appropriate depth intervals, and determination of hydraulic conductivity will generally be considered as necessary.

g. Characterize physical and chemical properties of the site and its environs associated with contaminant fate and transport, e.g., percent organic matter, redox potential, soil bulk density, and transmissivity.

h. Characterize topographic and cultural features of the site and its immediate vicinity. Cultural features may include but not be limited to buildings, basements, paved areas, roadways, utilities, storage tanks and associated piping, piles, impoundments, wells, and waste disposal systems.

i. Evaluate concerns related to whether the contamination situation is dynamic or stable; if dynamic, address fate and transport and breakdown products appropriately.

j. Identify and characterize receptor or exposure concerns. This most clearly involves concerns for drinking water and exposures to contaminated soils, as suggested by the statewide standards, but additional concerns should be identified and addressed by the participant or the department, as the situation warrants, e.g., vapors to basements, threats to water supply lines, threats to surface waters, or environmental threats.

k. Characterize current and probable future uses of the site and its surroundings. If probable future uses differ significantly from current uses, then characterize them separately and conduct the assessment in a fashion that addresses concerns arising from the possible change in use.

l. Evaluate the potential for contaminants to migrate from one medium to another. The following subparagraphs prescribe requirements for assessing potential migration of contamination from one medium to another. Requirements in the following subparagraphs may be waived if it can be demonstrated in accordance with procedures established in 567—Chapter 135 or ASTM standards E1903-19 related to the Phase II environmental site assessment process that migration of contamination from one medium to another will not cause a violation of the applicable standard in the receiving medium. The assessment activities prescribed in the following subparagraphs are intended to determine if significant migration of contamination from one medium to another has occurred. If evidence of significant migration of contamination from one medium to another (i.e., generally a contaminant concentration in the receiving medium in excess of the statewide standard) is discovered, full-scale characterization of the receiving medium may be required.

(1) The water from any pond or lake on the site or within 300 feet of the site shall be sampled and analyzed for the contaminants of concern, if it is reasonably possible that contaminants from the site could impact the pond or lake. Any surface stream that runs through the site or within 300 feet of the site shall be sampled at a location downstream of any potential impact from the site and analyzed for the contaminants of concern. Depending on the characteristics of the contaminants (e.g., solubility), associated sampling and analysis of sediments may be required.

(2) Groundwater at the location most likely to be impacted by each known substantial area of soil contamination shall be sampled and analyzed for the contaminants of concern. If the area of soil contamination exceeds 10,000 square feet, additional groundwater samples may be required.

(3) Soil vapors in each area that is most likely to be impacted by known groundwater or soil contamination shall be sampled and analyzed for the contaminants of concern. If the area of soil or groundwater contamination exceeds 10,000 square feet, additional soil vapor samples may be required. If vapors may be impacting an existing enclosed space, a soil vapor sample shall be collected from a location that is most likely to have vapor contamination adjacent to the enclosed space.

1. If the potential for the existence of problematic concentrations of the vapors in the enclosed space cannot be dismissed based on soil vapor sampling, sampling and analysis of vapors inside the enclosed space may be conducted to determine whether or not a problem exists. Appropriate measures for distinguishing between contaminant vapors originating from within the enclosed space versus those from the external sources that are under investigation may be made with the approval of the department.

2. Ambient air sampling may be required if a very large area or extremely high concentrations of highly volatile contaminants exist in shallow soil or evidence of vapor contamination exists, such as odors or a high vapor reading on a vapor-screening instrument.

(4) If a water line exists within the zone of known contamination of soil, groundwater or soil vapor and the potential for significant diffusion of contaminants into the water line cannot otherwise be dismissed, a sample from the water line shall be collected at the nearest location where any impact may exist and that sample shall be analyzed for the contaminants of concern. All such samples should be collected at times following minimum movement within the water line (e.g., early morning following a weekend).

105.208(4) *Site assessment report.* The site assessment report shall include the presentation of all information gathered during the site assessment, arranged in appropriate sections of the report. It shall include a summary of preliminary information on which the site assessment is based, including but not limited to background and site history. The report shall discuss the sampling strategy and methods used in the assessment. The department encourages the use of innovative or screening techniques to expedite investigations and to control costs, provided that such techniques are approved by the department before implementation and are supported through verification by accepted scientific practices. The report shall also include a description of the quality assurance/quality control (QA/QC) protocols followed during the investigation. QA/QC protocols shall be consistent with accepted scientific practices.

The presentation shall be organized so as to facilitate the assimilation of information by the reader. Maps to be presented, as appropriate, might include maps illustrating the location of the site in a larger geographical context; maps showing cultural features associated with the site and its environs; maps illustrating the contamination extent and concentration in three dimensions; maps illustrating the site hydrology in three dimensions; and maps illustrating receptors, potential receptors, and relevant pathways of exposure. Cross-sectional diagrams shall be included to illustrate stratigraphy, geological boring information, and hydrologic and contaminant factors with depth. Tables and graphs shall be designed for the purpose of summarizing data in a meaningful fashion, including information about successive rounds of sampling. Appendices shall include well logs, copies of laboratory analytical reports, and raw data used to calculate parameters presented elsewhere in the report. Appended material shall be labeled in a fashion permitting the cross-referencing of appended materials and the body of the report.

105.208(5) *Approval of site assessment report.* Unless notice has already been given prior to initiation of the site assessment, participants choosing to proceed to the risk evaluation/response action phase without department review and approval of the site assessment report must notify the department in advance as provided in 105.208(2).

105.208(6) *Public notification.* Before or upon completion of the site assessment, the participant shall provide the department with the names and addresses of the owners and occupants of all property adjacent to the site enrolled in the Iowa land recycling program and any additional properties where contaminants from the enrolled site have migrated or are likely to migrate in the future. The department shall notify by direct mailing all such property owners and occupants, the city or county in which the property is located, and officials of any potentially impacted public water supply of the site's enrollment in the Iowa land recycling program and of the scope of work described in the participation agreement. The department shall give the notified parties the opportunity to obtain updates regarding the status of activities relating to the site that is enrolled in the Iowa land recycling program. The department may also require the participant of a site enrolled in the Iowa land recycling program to publish public notice in a local newspaper if the department determines that widespread interest in the site exists or is likely to exist. The department may provide additional opportunities for public participation if, after consultation with the participant, the department determines such opportunities are warranted.

567—105.209(455H) Risk evaluation/response action.

105.209(1) *Purpose; notice of proceeding without department review of assessment.* The purpose of risk evaluation/response action is to utilize information from the site assessment as a basis for:

a. Determining whether current exposures result in excessive risks, based on evaluation against appropriate background, statewide, or site-specific standards.

b. Determining whether future exposures may result in excessive risks, based on evaluation against appropriate background, statewide, or site-specific standards. This will likely include:

(1) Evaluation of potential changes in usage, e.g., installation of a new well, change in land use, or other activities, that result in unacceptable, potential exposures not evaluated as current exposures, and

(2) Evaluation of exposure concerns related to the movement of contamination such that potential exposures might arise that are not considered under current exposure assumptions, e.g., groundwater plume migration creating a potential for future contamination of existing wells or creating newly contaminated areas in which new well installation may result in unacceptable exposures.

c. Proposing an appropriate and acceptable response action or strategy to address the identified, unacceptable exposures or potential exposures.

d. Establishing the test criteria to be applied under 567—105.210(455H) for determining final compliance with the selected standard. In some cases this may consist of proving that standards are currently met; in other cases it may result in an assessment of whether the response action succeeds in bringing about compliance with a selected standard.

The risk evaluation/response action is intended only for application to the specific contaminants and situations for which the site is enrolled. Participants choosing to proceed to the risk evaluation/response action phase without seeking review of the site assessment report shall give prior notice to the department of their intentions. The notice shall include the information required in 105.208(2), a general description of the site assessment results, a schedule for submission of the risk evaluation/response action document, and the reasons for not requesting department review and approval of the site assessment report.

105.209(2) *Risk evaluation/response action document submission.* A risk evaluation/response action document shall be submitted for review and approval by the department. When considered in conjunction with the site assessment report, these documents shall present a complete picture of the site from its characterization, through the evaluation of risk, to the development of a strategy to address the situation. An effort shall be made to ensure that the reviewer, or other interested parties, can gain an understanding of the existing situation and proposed actions. The risk evaluation/response action document shall include a summary of findings regarding present risks and potential future risks; a pathway-specific identification of the standards to be applied, including the supporting rationale, if appropriate; a discussion of the proposed response actions, including remedial actions to be taken and institutional or technological controls to be implemented; and a discussion of the proposed verification strategy. Any modeling used for purposes of assessing future risk or establishing site-specific standards shall be presented in sufficient detail to permit evaluation of the results by the department.

105.209(3) *Department review and approval.* It is recommended that the risk evaluation/response action be submitted for review and approval prior to proceeding with implementation of the response action. The final, department-approved document shall be the basis for assessing subsequent activities at the site. Parties choosing to proceed with response actions without prior review and approval by the department proceed at their own risk and may not assume the response action implemented will result in a no further action certificate.

a. Parties choosing to implement a response action without prior review and approval by the department shall submit to the department a proposed risk evaluation/response action document accompanied by an explanation of the reason(s) for proceeding without prior approval. Documentation shall also include a schedule for implementation, a description of construction or other activities to be undertaken, and date for submission of the final report demonstrating compliance, as described in 567—105.210(455H).

b. The department shall provide opportunity to comment on proposed response actions to any party that is potentially impacted by off-site migration of contaminants for which notification is

required in accordance with 105.208(6). The department shall consider reasonable comments from potentially impacted parties in determining whether to approve or disapprove a proposed response action or site closure.

105.209(4) *Risk evaluation.* The risk evaluation/response action document shall identify all locations or areas, and associated exposure pathways, where exposure currently exceeds a statewide standard or where a statewide standard may be exceeded in the future, due to either a change in exposure-related usage or contaminant migration. Current and future exposure pathways shall be evaluated and presented separately. This evaluation shall not be limited to exposure pathways for which the department has formulated risk-based values in 567—105.205(455H) or 567—105.206(455H) but should include any pathway related to the situation for which the site is enrolled, for which a no further action certificate is sought, or for which an unacceptable risk may now or in the future exist, including but not limited to high concentrations of volatile compounds in proximity to a confined space, high concentrations of solvents in proximity to a water distribution line, or environmental concerns unrelated to human health.

a. In a case where a background standard is to be applied and there is no violation of a statewide standard, it will be necessary to identify only locations or areas where the background standard is exceeded.

b. A risk evaluation may be appropriately abbreviated from the preceding description based on the specific details of the contamination and the proposed response action.

105.209(5) *Establishing cleanup standards.* The risk evaluation/response action document shall identify the cleanup standards to be applied in accordance with 567—105.204(455H), 567—105.205(455H), or 567—105.206(455H), outlining respectively the background, statewide, or site-specific standards. These standards may be applied in any combination to address specific components of the contamination problem for which the site is enrolled. If cleanup standards other than those specifically formulated under the statewide standard (567—105.205(455H)) are to be applied, then the rationale behind the determination of such standards shall be justified, in the document, to the department's satisfaction.

105.209(6) *The use of models.* Models may be necessary in order to evaluate potential future exposures and may be used to develop target levels.

a. Standard models. Standard models may be used to predict future contaminant concentrations at potential points of exposure to contaminants or at other locations used for determining compliance when such models are appropriate, as determined by the department. Applicable Tier 2 models approved for use in accordance with 567—Chapter 135 for underground storage tanks (USTs) and applicable Tier 2 models provided in ASTM standards are acceptable standard models. Models that provide a two-dimensional representation of groundwater flow will not be considered to be appropriate when significant three-dimensional components to groundwater flow are anticipated. Default values for input parameters for ASTM and UST Tier 2 models, as provided in applicable ASTM standards and approved for use in accordance with 567—Chapter 135, may be utilized without approval by the department. The department shall maintain a guidance document that includes a list of other chemical-specific default values for all chemicals having statewide standards.

b. Site-specific models. Site-specific models may be used to predict future contaminant concentrations at potential points of exposure to contaminants or at other locations used for determining compliance when such models are appropriate, as determined by the department. Site-specific models may include standard models with site-specific input parameters or models utilizing more sophisticated analytical techniques. A site-specific groundwater model shall have proven reliability and be able to simulate, as needed:

(1) A fixed contaminant source,

(2) Groundwater and contaminant flow in three dimensions,

(3) Groundwater and contaminant flow through as many distinct geologic layers as necessary for the site in question,

(4) Effects of pumping,

(5) Effects of groundwater recharge and discharge,

(6) Impacts of hydrologic boundaries,

(7) Contaminant advection, dispersion and chemical reactions, as appropriate for the site in question, and

(8) Other site-specific variables as appropriate.

Default values for input parameters approved for standard models will be approved for use in site-specific models. Otherwise, input parameters used in site-specific models are subject to the department's approval.

105.209(7) *Response action.* The risk evaluation/response action document shall include a proposal for a response action or strategy to achieve and maintain compliance with the selected standard(s). This may consist of activities designed to remove or treat contaminants; prevent exposure to unacceptable levels of contamination through technological controls, institutional controls or monitoring; or a combination thereof. If the response action involves the use of a standard that is less stringent than the statewide standard, it will be necessary to implement institutional controls to prevent the type of exposure on which the statewide standard is based unless otherwise authorized by the department. It is the intent of the department to permit the participant to identify and carry out those options by which this may be accomplished, insofar as the department deems the selected options to be reasonable, protective of the public health and safety and the environment, and consistent with provisions of this rule.

105.209(8) *Free product and gross contamination.*

a. Contaminants presented as free product and gross contamination shall not be addressed through the implementation of institutional or technological controls. For purposes of this rule, gross contamination will be considered to be contamination present at concentrations in excess of a standard by an amount sufficient to reasonably expect that institutional or technological controls will not be adequately protective of the public health and safety and the environment.

b. If treatment or removal of free product or gross contamination is not feasible, the participant may request a waiver of this subrule, subject to all provisions of Iowa law related to waivers.

105.209(9) *Compliance verification strategy.* The risk evaluation/response action document shall outline a strategy for determining whether the relevant standards are met by the site and will continue to be met in the future. For response strategies that call for longer-term monitoring, standard-based values shall be identified that, if exceeded, would indicate a failure of the response action and necessitate the development and implementation of a new response action. The terms under which monitoring may cease may be proposed. The proposed strategy shall be consistent with 567—105.210(455H) related to demonstration of compliance and shall indicate the standard to be applied and the point of compliance at which it is to be applied, consistent with 567—105.204(455H), 567—105.205(455H), and 567—105.206(455H).

567—105.210(455H) Demonstration of compliance.

105.210(1) *Purpose.*

a. The purpose of the demonstration of compliance is to provide a mechanism by which to verify that:

(1) Appropriate and acceptable standards are complied with and that compliance can be reasonably expected to continue in the future;

(2) Any and all remedial measures proposed under 567—105.209(455H) have achieved their purpose; and

(3) Appropriate institutional and technological controls, or monitoring mechanisms, have been successfully implemented.

b. In some cases, the demonstration of compliance may mark the final step, taken by the participant prior to the issuance of an unconditional no further action certificate by the department. In other cases, it may mark the transition to the longer term closure activities associated with the site, such as monitoring, maintenance of technological controls, and continuing enforcement of

institutional controls. In this latter case, demonstration of compliance activities may or may not result in the issuance of an unconditional no further action certificate, depending on the approach proposed in the response action. In some cases, it may be necessary to successfully complete a monitoring program or to fulfill other agreed-upon obligations prior to the issuance of the no further action certificate.

c. In all cases, sampling of environmental media shall comply with QA/QC requirements addressed in 567—105.208(455H).

105.210(2) *General requirements for demonstrating compliance with soil standards.*

a. For the standard being applied, the demonstration of compliance shall be at the point of compliance or point of exposure as set forth in 567—105.204(455H), 567—105.205(455H), or 567—105.206(455H) relating to background standards, statewide standards, and site-specific standards and as described in a site-specific context pursuant to 105.209(7) relating to risk evaluation/response action.

b. Minimum sample numbers for the demonstration of compliance with the background standard for soils pursuant to 105.210(4)*"b"* or with the statewide standard when applying 105.210(5)*"a"*(1) shall be based on the volume of soil to which the selected standard is being applied as follows:

(1) For volumes less than or equal to 125 cubic yards, a minimum of eight samples.

(2) For volumes greater than 125 cubic yards, but less than or equal to 3,000 cubic yards, a minimum of 12 samples.

(3) For each additional volume of less than or equal to 3,000 cubic yards, a minimum of 12 additional samples.

(4) Additional samples may be required based on site-specific conditions.

c. When EPA applicable guidance used pursuant to these rules requires demonstration of a 95 percent upper confidence limit, the minimum sample number shall be as specified in that guidance.

d. Sample locations for demonstration of compliance shall be selected in a random fashion to be representative, both horizontally and vertically, of the volume of soil being evaluated for compliance.

e. Sampling for the purpose of demonstrating compliance shall be conducted after the completion of site assessment activities and after the implementation of applicable remedial measures.

105.210(3) *General requirements for demonstrating compliance with groundwater standards.*

a. For the standard being applied, the demonstration of compliance shall be at the point of compliance or point of exposure as set forth in 567—105.204(455H), 567—105.205(455H), or 567—105.206(455H) relating to background standards, statewide standards, and site-specific standards and as described in a site-specific context pursuant to 105.209(7) relating to risk evaluation/response action.

b. Monitoring wells installed for the purpose of demonstrating compliance shall be of sufficient number and appropriate location to evaluate all hydrologic strata of concern, based on site-specific considerations, as identified pursuant to 105.209(7), relating to risk evaluation/response action.

c. For statistical methods under 105.210(5)*"b"*(1), compliance with the statewide groundwater standard shall be based on eight consecutive quarters of groundwater data. As an alternative, the department may accept four consecutive quarterly sampling events or less with prior written approval from the department under the following conditions:

(1) There is adequate spatial monitoring of the plume upgradient that indicates a decreasing concentration trend toward the downgradient property boundary.

(2) Parameters affecting the fate and transport of regulated substances within the plume have been fully evaluated.

(3) Concentrations of regulated substances in the plume at the point of compliance monitoring wells along the downgradient property boundary are all less than or equal to the groundwater standard or the limit relating to the PQL, whichever is higher, in all samples collected during the quarters of monitoring.

(4) One of the following is met:

1. The age of the plume is sufficiently well known to permit a judgment to be made regarding its stability.

2. The remediation includes source removal or containment actions that would reduce chemical flux into the plume.

d. When applying a 95 percent upper confidence limit, according to EPA applicable guidance, to demonstrate compliance with the statewide standard for groundwater pursuant to 105.210(5)*"b"*(2) or a site-specific standard for groundwater pursuant to 105.210(6), the minimum sample number shall be as specified in that guidance.

e. Sampling for the purposes of demonstrating compliance shall be conducted after the completion of site assessment activities and after the implementation of applicable remedial measures.

105.210(4) *Demonstration of compliance with a background standard.*

a. To apply a background standard the participant shall demonstrate to the department, in writing, that the apparent background contamination at the site is due to widespread or naturally occurring contamination and shall obtain the department's approval to apply this subrule. Data collected for the purpose of determining the applicable background standard is subject to department approval, interpretation, and manipulation, if necessary for the purpose of establishing a meaningful background standard.

b. For soil, the minimum sample number to determine the background standard shall be ten, unless a lesser number is approved by the department, and the number of samples from the affected area shall be based on volume as described in 105.210(2)*"b."* No sample collected from the affected area may exceed the sum of the background arithmetic mean and three times the sample standard deviation, as calculated based on the background sampling.

c. For groundwater, a minimum of 12 locations shall be sampled in the background reference area, unless a lesser number is approved by the department, and an equal number shall be collected from the affected area. In areas involving more than one hydrologic strata, more samples may be required. Sampling shall be conducted concurrently in the background reference area and the affected area. No sample collected from the affected area may exceed the sum of the background arithmetic mean and three times the sample standard deviation, as calculated based on the background sampling.

105.210(5) *Demonstration of compliance with the statewide standard.* The following requirements shall be met in order to demonstrate compliance with the statewide standard. Testing shall be performed individually for each contaminant being addressed and for which a no further action certificate is sought.

a. To demonstrate compliance with the statewide standard for soils in each affected area, soil samples taken at the enrolled site must be within the statistical limits of either 105.210(5)*"a"*(1) or *"a"*(2), as well as all other applicable requirements of this rule.

(1) Seventy-five percent of all soil samples, collected during a single event, shall be less than or equal to the statewide standard, with no individual sample exceeding ten times the statewide standard.

(2) In accordance with EPA-approved methods (OSWER 9285.6-10, 2002), the 95 percent upper confidence limit of the arithmetic mean of soil sample values from the affected area shall be at or below the statewide standard.

b. To demonstrate compliance with the statewide standard for groundwater in each compliance monitoring well, water samples taken from the wells must be within the statistical limits of either 105.210(5)*"a"*(1) or *"a"*(2), as well as all other applicable requirements of this rule.

(1) Seventy-five percent of all samples collected in each compliance monitoring well over time shall be less than or equal to the statewide standard, with no individual sample exceeding ten times the statewide standard.

(2) In accordance with EPA-approved methods (OSWER 9285.6-10, 2002), the 95 percent upper confidence limit of the arithmetic mean of samples collected from a compliance well over time shall be at or below the statewide standard.

105.210(6) *Demonstration of compliance with a site-specific standard.* To demonstrate compliance with a site-specific standard, the participant shall use the tests identified in

105.210(5)*"a"*(2) and *"b"*(2), except that the 95 percent upper confidence limit of the arithmetic mean for samples from the medium of concern shall be at or below the site-specific standard.

105.210(7) *Compliance with cumulative risk.* In addition to standards for individual contaminants as prescribed above, cumulative risk criteria must be attained, except that for the soil pathway only, the cumulative risk criteria may be attained in lieu of the standards for individual contaminants. Cumulative carcinogenic health risks shall not exceed 1 in 10,000. Noncarcinogenic health risks affecting the same target organ shall not exceed a cumulative hazard quotient of 1. Cumulative risk criteria are applicable to multiple contaminants in the same medium and multiple media in which exposure is likely to occur to the same individual. Cumulative risks shall be based on the same exposure assumptions that are used for determining the selected standard.

a. Risks associated with background levels of contaminants shall not be included in the cumulative risk determination. Background levels of contaminants shall be determined in accordance with 105.210(4) or, if approved by the department, by the use of generally available information on background levels of contaminants.

b. In situations where the risk associated with exposure to a contaminant at a concentration equal to the selected standard is greater than the acceptable cumulative risk, the cumulative risk may be calculated assuming the risk associated with exposure to the contaminant at a concentration equal to the selected standard is equal to the acceptable cumulative risk criterion. The department will provide a guidance document for calculating cumulative risk and make it readily available to the public.

105.210(8) *Final report.* A final report shall be submitted to the department that documents the accomplishment of all provisions set forth in the risk evaluation/response action document. This shall include, as applicable to the specific situation, discussions related to verification of compliance with selected standards, successful completion of remedial actions, implementation of necessary institutional or technological controls, and initiation of any required monitoring strategy. Sufficient details shall be included to permit the department to verify that the terms proposed in the response action have been met with regard to the statistical determination of compliance with standards.

105.210(9) *Department review and approval.*

a. The final report is subject to review and approval by the department. Following review, the department will either approve the report or make a written response indicating the reason(s) why the report is unacceptable. Acceptance of the report may result in the issuance of an unconditional no further action certificate or it may mark a transition to the long-term closure activities associated with the site, as proposed in the response action. A decision that the report is unacceptable may be based upon an insufficiency of the report or it may be based on a judgment that the terms of the response action have not been met.

b. In cases where a participant has elected to proceed through this program without department interaction and without submitting site assessment pursuant to 567—105.208(455H), or risk evaluation/response action documents pursuant to 567—105.209(455H), the final report shall contain the substantive information related to those rules in addition to information required under this rule in a manner that clearly sets forth for departmental review the same process.

567—105.211(455H) No further action classification.

105.211(1) *Eligibility.*

a. An enrolled site shall be eligible to obtain a no further action classification when the department determines the participant has met all compliance standards of this division applicable to the affected area, and the hazardous substances identified and evaluated such that no further response action is required other than maintenance of institutional or technological controls or certain specified continuing site activities. Upon request of a participant or other protected party, and compliance with applicable standards, the department will issue a no further action certificate to each protected party requesting it.

b. A no further action classification may be conditioned upon the continued maintenance and effectiveness of any applicable institutional or technological control in accordance with 567—105.207(455H).

105.211(2) *No further action certificate.* A no further action certificate shall be in a form recordable in the county real estate records as provided in Iowa Code chapter 558 and consistent with the model forms developed by the department. The no further action certificate may be recorded as provided by law.

105.211(3) *No further action certificates conditioned on institutional and technological controls.* A no further action certificate conditioned upon the continuing effectiveness and maintenance of institutional and technological controls or other continuing requirements must be recorded with the consent of the fee titleholder for each parcel of affected property subject to the controls and for parcels of property for which prevention of exposure is dependent upon the continuing effectiveness and maintenance of the controls. If a participant is not able to record the no further action certificate on a parcel within the affected area due to objections of the fee titleholder or other legal restraints, this alone shall not be a basis for denying or rescinding the no further action classification or the certificate or the legal protections attendant to the no further action classification. Any modification or termination of institutional and technological controls shall be noted in an amended no further action certificate and shall be recorded as to any property subject to an earlier recorded certificate or institutional control. If a no further action certificate is required to be recorded, the no further action classification is not effective until the document is recorded with the county recorder.

105.211(4) *Public notification.* The department shall prepare a public notice prior to approval of any no further action classification that is conditioned upon use of institutional or technological control(s). The public notice will describe the results of the risk assessment conducted in the affected area, any proposed or completed response action, the vertical and horizontal extent and concentrations of existing soil and groundwater contamination in the affected area, and the actual and potential pathways of exposure the controls are intended to address. The notice will describe the purpose of the institutional and technological control(s) being proposed and the predicted period of coverage. The notice will provide the opportunity for members of the public to review department files, make written comments and request a public hearing. The department may schedule a public hearing on the basis of requests from the public and when it determines the particular remedial options proposed for a site warrant public consideration, for example, when issues of whether and to what concentrations gross contamination should be allowed to remain within the affected area given the relative effectiveness of institutional controls and other community concerns and development plans.

a. The notice will be served by certified mail on all property owners that the actual or modeled data indicates are or may be affected by the present or future conditions addressed by the control. The notice will be published in a newspaper of general circulation most likely to reach persons in the immediate locality.

b. If the controls are intended to restrict surface or subsurface future land use, the notice shall be sent to each local regulatory body having jurisdiction and control over or a direct interest in regulation of these activities. These may include but are not limited to municipal or county zoning boards, municipal building authorities, public utilities, and economic development agencies. If the controls are intended to restrict groundwater use, the notice shall be sent to the county or city board of health responsible for private well permitting.

c. Failure to provide notice to an interested party shall not constitute a basis for invalidating a subsequently approved no further action certificate.

105.211(5) *Scope of liability protection.* Upon issuance of the no further action certificate by the department, the liability protection provisions contained in Iowa Code chapter 455H, subchapter 3, apply. The scope of the no further action classification and the scope of liability protection extend only to that area of affected property as defined by actual and modeled contaminant data and the specific environmental condition for which a regulatory standard has been met and approved by a no further action classification. The scope of protection corresponds to the scope of the site assessment

conducted by the participant, the exposure pathways actually evaluated by the assessment report and reviewed by the department, and the hazardous substances identified in that assessment for which compliance with a department-approved standard has been achieved. Liability protection does not apply to releases, sources of contamination, hazardous substances or other environmental conditions not expressly addressed in the participant's site assessment, response action or specifically referenced in the no further action certificate.

105.211(6) *Reopener and reclassification conditions.*

a. The department shall have grounds to reopen and rescind a no further action certificate and consider reclassification of the affected area if specified conditions of the no further action certificate are not maintained, or if institutional or technological controls fail to meet their intended purpose or are determined to be ineffective and unenforceable. If the conditions upon which the no further action certificate was issued cannot be corrected or reinstated, the department may rescind the certificate. The effect of termination is to put all parties in the same position as if the no further action certificate had not been issued.

b. If a no further action certificate is issued without conditions or technological and institutional controls, and conditions should arise that might require further corrective action, the department may require further response action by a participant or protected party only as provided in Iowa Code section 455H.301. The department may require further response action against a statutorily responsible party who is not a participant or other protected party. If the participant was a person having control over a hazardous substance, as defined in Iowa Code section 455B.381, at the time of the release, a no further action certificate may require further response action to protect against an imminent and substantial threat to public health and safety and the environment. Another protected party who was a person having control over a hazardous substance, as defined above, may be required by the department to conduct a further response action, where appropriate, to protect against an imminent and substantial threat to public health and safety and the environment.

These rules are intended to implement Iowa Code chapter 455H.

ITEM 2. Rescind **567—Chapter 131**.

ITEM 3. Rescind **567—Chapter 133**.

ITEM 4. Rescind **567—Chapter 137**.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapter 107
"Beverage Container Deposits"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455C.9
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 455C

Public Hearing

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

October 7, 2025	Videoconference call
10 a.m.	Contact: mary.klemesrud@dnr.iowa.gov

Free Language Assistance: If you speak a non-English language, the Department of Natural Resources (Department) offers language assistance services free of charge. Contact the Department at mary.klemesrud@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al mary.klemesrud@dnr.iowa.gov.

Public Comment

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

Mary Klemesrud
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.802.8835
Email: mary.klemesrud@dnr.iowa.gov

Free Language Assistance: If you need assistance in a language other than English, contact the Department at mary.klemesrud@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.802.8835 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al mary.klemesrud@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.802.8835 al menos siete días antes del evento.

Purpose and Summary

Proposed Chapter 107 regulates the beverage container redemption system in Iowa. The beverage container redemption system in Iowa reduces litter and promotes recycling of beverage containers through a deposit-refund system. This rulemaking is necessary to align Chapter 107 with the requirements of Executive Order 10.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The public consumer is charged a $0.05 redemption fee per covered beverage purchased. The $0.05 fee is returned to the public consumer once the beverage container is redeemed by an Iowa retailer or redemption center.

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

No new benefits will be realized from the proposed rulemaking. This rulemaking is necessary to align Chapter 107 with the requirements of Executive Order 10 by removing outdated and redundant/ repetitive language.

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

- **Quantitative description of impact:**

No job or fiscal impact is expected from this proposed rulemaking. The proposed rulemaking is limited to implementing Executive Order 10.

- **Qualitative description of impact:**

There will be no changes to the beverage container deposit system from this proposed rulemaking. The system will continue to encourage recycling of beverage containers through a deposit-refund system.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are primarily in staff time. Staff resolve complaints and review redemption center applications routinely without issue. No other agency bears costs from this chapter.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

The proposed rulemaking is limited to implementing Executive Order 10 and therefore no changes will be made to the beverage container deposit system. The system will continue to operate as it does currently and encourage recycling of beverage containers through a deposit-refund system.

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

No alternative system exists. Iowa's Beverage Deposit System is estimated to recycle 49 percent of all covered beverage containers. There are currently 128 approved redemption centers, including mobile redemption centers, operating in Iowa. In addition to retailers, these businesses provide redemption services to Iowa consumers. The Iowa Beverage Deposit System is available to all Iowans.

6. **Alternative methods considered by the agency:**

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

No alternative system exists.

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

No alternative system exists.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

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

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

The proposed rulemaking is limited to implementing Executive Order 10 by removing outdated and duplicative language, which is anticipated to have a positive effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 107 and adopt the following **new** chapter in lieu thereof:

CHAPTER 107
BEVERAGE CONTAINER DEPOSITS

567—107.1 Reserved.

567—107.2(455C) Definitions. In addition to the definitions in Iowa Code section 455C.1, for the purpose of this chapter, the following terms shall have the meaning indicated in this rule.

"Act" means Iowa Code chapter 455C.

"Approved redemption center" means a redemption center approved by the department pursuant to 107.4(1).

"Carbonated" means charged under pressure with carbon dioxide.

"Distributor redemption center" means a redemption center that satisfies the requirements of Iowa Code section 455C.14.

"Emboss" means to raise the surface in relief.

"Exempt beverage container" means a beverage container that is not marked with the words "Iowa Refund 5¢" because it is a refillable glass beverage container having a brand name permanently marked on it and having a refund value of 5 or more cents or because it is a refillable metal or plastic beverage container that has been exempted, in accordance with the procedure of 107.3(7), from the requirement of having the refund value marked on the container. An exempt beverage container is exempt from having the words "Iowa Refund 5¢" indicated on the container but is not necessarily exempt from the minimum deposit and redemption requirements of this chapter.

"Handling fee" or *"fee"* means the amount reimbursed by a distributor, in addition to the return of the 5 cent refund value, in an amount that is 1 cent per beverage container for containers accepted from a dealer agent or 3 cents per beverage container accepted from a participating dealer or redemption center. Only one fee shall be charged per container.

"High-contrasting color" in reference to labeling requirements means a clear differentiation in hue, value, and intensity with the background on which the redemption message appears, surrounding artwork, and other nearby printed information.

"Incise" means to scratch the surface to produce legible letters or characters at a precise width and depth.

"Indelibly" means that the refund value is permanently affixed on the beverage container and cannot be smeared or removed during regular use from the point of being offered for sale until the point of redemption.

"Mineral water" means water naturally or artificially infused with mineral salts or gases. Mineral water may be carbonated or uncarbonated.

"Soda water" means water that has been carbonated.

"Soft drink" means any nonalcoholic liquid other than mineral water or soda water intended for human consumption.

"Unapproved redemption center" means a redemption center that is not an approved redemption center.

This rule is intended to implement Iowa Code sections 455C.1 and 455C.9.

567—107.3(455C) Labeling requirements.

107.3(1) All beer, wine, alcoholic liquor, mineral water, soda water and similar carbonated soft drink containers (other than exempt containers) sold or offered for sale in Iowa by a dealer shall have the words "Iowa Refund 5¢" or "IA 5¢" clearly, indelibly and legibly indicated on the container. Any abbreviation of the words "Iowa Refund" other than as provided in this subrule shall be submitted to and approved by the department.

107.3(2) The minimum size of the words "Iowa Refund 5¢" or "IA 5¢" and all approved abbreviations shall be a minimum of 9-point type (approximately .125 inch or 3 millimeters) if the words are embossed or incised and 18-point type (approximately .25 inch or 6 millimeters) if the words are otherwise affixed to the container. A stamp or label may have the words "Iowa Refund 5¢" or "IA 5¢" in less than 18-point type if the label is submitted to the department and the department determines that the high-contrasting color or the characteristics of the stamp or label make the stamp or label as easy to discern as a stamp or label with 18-point type.

107.3(3) The words "Iowa Refund 5¢" or "IA 5¢" shall be indicated by embossing (raised letters), by incising, by printing in high-contrasting color, by a stamp or label of high-contrasting color, or by other method approved by the department securely and permanently affixed to the container.

107.3(4) Reserved.

107.3(5) The words "Iowa Refund 5¢" or "IA 5¢" shall be on the top or on the cylindrical portion of a metal beverage container. The words "Iowa Refund 5¢" or "IA 5¢" shall be on the conical portion of a glass or plastic beverage container so that the words are visible from above or shall be on the product label. The placement of refund information solely on the bottom of the beverage container is prohibited.

107.3(6) An example of the label or labeled container may, but need not, be submitted to the department for informal approval.

107.3(7) An application for exemption from the requirement of having the words "Iowa Refund 5¢" or "IA 5¢" indicated on the container shall be submitted to the department and shall contain:

a. The name, address and telephone number of the applicant;

b. The refund value of the container; and

c. A statement of why the container can be readily and permanently identified by consumers as subject to a deposit.

107.3(8) An example of the container for which the exemption is being requested shall be sent to the department along with the application required in 107.3(7). The example may consist of photographic images or empty containers. Examples submitted to the department shall not contain any liquid.

107.3(9) The department may exempt the container if the department determines that the container is subject to a deposit of 5 or more cents and that consumers can readily and permanently identify the container as one subject to a deposit.

107.3(10) Automatic exemption. Beverage containers sold in Iowa containing alcoholic liquor as defined in Iowa Code section 123.3(5) where the total capacity of the container is not more than 50 milliliters are automatically exempted from the labeling requirement of 567—107.3(455C). However, such beverage containers remain subject to the remainder of this chapter.

567—107.4(455C) Redemption centers. The Act provides for both approved and unapproved redemption centers. Both approved and unapproved redemption centers redeem empty beverage

containers and pay the refund value to consumers. Only approved redemption centers can satisfy the requirements of Iowa Code section 455C.4(2)*"a"*(2) and *"a"*(3) and 2022 Iowa Acts, Senate File 2378, section 19.1(a) or 19.1(b). Additionally, only approved redemption centers will be listed on the department's electronic database pursuant to Iowa Code section 455C.4(2)*"c."*

107.4(1) *Approved redemption centers.*

a. Any person may file with the department an application for approval of a redemption center.

b. An annual application for approval of a redemption center shall be submitted to the department electronically.

(1) Initial application. Redemption centers that wish to be considered approved under this chapter should file their application within 30 days of starting their business.

(2) Annual renewals. All redemption centers should file their annual renewal application by January 31 of each subsequent year to allow the department to update its approved redemption center list in a timely manner.

(3) Application requirements. A redemption center must submit a separate application for each facility, including if a redemption center is operating a mobile redemption system for a dealer or dealers. The information on the application will be included in an electronic database for consumers to locate the nearest approved redemption center; as such, applications must be resubmitted annually to ensure that contact information remains accurate. There is no fee to submit the application. The application shall include the following information:

1. Name, address and telephone number of the redemption center;

2. Name, address and telephone number of the person or persons responsible for the establishment and operation of the redemption center;

3. A statement that the operator of the redemption center understands it must accept all redeemable containers, except for those containers exempted in 567—107.13(455C);

4. Whether the redemption center will be operating a mobile redemption system and the location(s) where the system will be operated.

c. The department will issue an electronic order of approval once a complete application is received.

d. The department may at any time rescind the order approving a redemption center if the department determines, after notice and hearing, that the redemption center is in violation of the Act or this chapter or that the redemption center is no longer meeting the above criteria.

e. An approved redemption center shall accept from consumers and shall pay the refund value for all beverage containers that bear an Iowa refund value and those containers exempted from the labeling requirement pursuant to 107.3(10).

f. When an approved redemption center is closing permanently, it shall give to the department notice that includes the redemption center's final date of operation. As of the final date of operation, the redemption center's approval as a redemption center shall be terminated and a dealer it was approved to serve shall no longer be an exempt dealer. An approved redemption center must notify the department and any dealers or distributors with which the redemption center has agreements 30 days prior to the redemption center's closing.

107.4(2) *Refused container redemption centers.* Redemption centers required by Iowa Code section 455C.14 may be either "approved" or "unapproved." To be "approved," the facility must submit an application pursuant to 107.4(1), which includes the requirement to accept all redeemable beverage containers except for those containers exempted in 567—107.13(455C).

567—107.5 to **107.7** Reserved.

567—107.8(455C) Miscellaneous requirements.

107.8(1) Beverage containers sold on interstate carriers, such as trains, planes, or buses that travel through Iowa, are not subject to the deposit and labeling requirements of the Act.

107.8(2) Transfer tanks, premix tanks and beer kegs are not subject to the deposit and labeling requirements of the Act.

107.8(3) Return limits. Dealers may limit the number of containers returned by an individual to 120 containers in a 24-hour period. Redemption centers may limit the number of containers returned by an individual to 500 containers in a 24-hour period.

567—107.9(455C) Partial pickup and acceptance of redeemed containers by distributor.

107.9(1) *Notification of frequency.* A distributor shall notify each participating dealer served by the distributor of the intended frequency of pickup. A distributor shall notify each redemption center from which the distributor is required to pick up containers of the intended frequency of pickup.

107.9(2) *Partial pickup.* A distributor who picks up containers more often than the required frequency shall not be required to pick up all available containers from a participating dealer or redemption center at each pickup provided that all available containers are picked up from the dealer or redemption center within the required frequency.

567—107.10(455C) Dealer agent lists. A dealer agent shall provide to a distributor upon request a list of the dealers that the dealer agent is serving.

567—107.11 and **107.12** Reserved.

567—107.13(455C) Refusing payment of the refund value. A distributor, participating dealer, or redemption center may refuse to pay the refund value and, if applicable, the handling fee pursuant to Iowa Code section 455C.4 and in the following situations:

107.13(1) *Refusal of certain brands (e.g., store brands).*

a. For any beverage container subject to the Iowa beverage container control law, all distributors and manufacturers must charge a 5-cent deposit for each container delivered by that distributor or manufacturer to a dealer and must pick up, or facilitate the pickup of, the container from a participating dealer or an approved redemption center. This includes, at a minimum, reimbursing the participating dealer or approved redemption center for the refund value and the applicable handling fee. The requirements of this paragraph apply regardless of the relationship between the distributor or manufacturer and the dealer.

b. Any approved redemption center may refuse to accept containers for redemption if there is no distributor or manufacturer providing reimbursement and paying the requisite fee for the given container. In such cases, the redemption center shall notify the department and must post a notice of the brands it will not accept.

107.13(2) *Redeemed containers must be reasonably clean and intact.* Consumers shall return containers in a reasonably clean and intact condition. For a refillable beverage container, the container must hold liquid, be able to be resealed and be in its original shape. A nonrefillable glass container may be chipped, but it may not have the bottom broken out or the neck broken off. A nonrefillable metal container may be dented or partially crushed but may not be crushed flat. In order to be redeemed, an empty beverage container shall be dry and free of foreign materials other than the dried residue of the beverage. Redemption centers and participating dealers may refuse to redeem containers that are not reasonably clean and intact, as well as containers that do not have an Iowa 5-cent redemption label and containers that have had the Iowa 5-cent label removed or if the label is illegible for any reason.

567—107.14(455C) Payment to redemption centers and dealer agents delivering containers to distributors. A distributor shall issue to a redemption center or dealer agent payment of the refund value and handling fee within one week of delivery and acceptance of empty beverage containers, unless otherwise agreed to by both the redemption center and the distributor or by both the dealer agent and the distributor, as the case may be.

567—107.15(455C) Sales tax on deposits. The department of revenue has determined that the payment of the deposit by a consumer is not a sale subject to the payment of additional sales tax.

These rules are intended to implement Iowa Code chapter 455C.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 109 and 209
"Landfill Alternative Financial Assistance Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.306, 455B.301A, and 455E.9

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455B.306, 455B.301A and 455E.11

Public Hearing

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

October 8, 2025	Videoconference call
9:30 a.m.	Contact: eo10_solidwaste@dnr.iowa.gov

Free Language Assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at eo10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al eo10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jennifer Wright
Iowa Department of Natural Resources
6200 Park Avenue
Des Moines, Iowa 50321
Email: eo10_solidwaste@dnr.iowa.gov

Free Language Access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at eo10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al eo10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Existing Chapter 209 was reviewed consistent with Executive Order 10. This proposed rulemaking will rescind Chapter 209 and move it into proposed new Chapter 109 after removing language that is unnecessary, redundant and duplicative. Rescinding and replacing this chapter will not impact the Department's ability to implement its landfill alternatives programs, nor will it impact the ability of interested parties to voluntarily apply for and implement financial assistance awards.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The proposed rulemaking does not impose costs; it details voluntary financial assistance programs.

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

No classes of persons will be denied any benefits by rescinding and replacing the chapter. Eligible applicants vary by program. The Solid Waste Alternatives Program (SWAP) is available to any unit of local government, public group, or private group. The Derelict Building program is limited to cities with a population of 5,000 or less. The Environmental Management System program is exclusively available to solid waste planning areas or service areas that are designated program participants.

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

- **Quantitative description of impact:**

No costs will be incurred because of this proposed rulemaking. Funding for the programs covered under the proposed chapter is explicitly described in Iowa Code section 455E.11.

- **Qualitative description of impact:**

No entities will be impacted by the proposed rulemaking. Programs will continue to be implemented as in the past.

3. **Costs to the State:**

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

Costs to the Department are within the confines of current funding sources and are attributed to staff time in administering the Landfill Alternative Financial Assistance program.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues by rescinding the chapter. Iowa Code section 455E.11 expressly describes that moneys received from solid waste tonnage fees are to be allocated for landfill alternatives.

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

The proposed rulemaking implements applicable Iowa Code provisions, giving clarity to program applicants regarding requirements such as eligibility and the process for financial assistance awards. Inaction would pose a risk that all applications and awards are not managed consistently.

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

Provisions for funding landfill alternative financial assistance programs are explicitly stated in the Iowa Code; the least costly and intrusive method has been determined to be the proposed rulemaking.

6. **Alternative methods considered by the agency:**

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

No alternatives were identified.

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

No alternatives were identified.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

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

This rulemaking will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 567—Chapter 109 and adopt the following **new** chapter in lieu thereof:

CHAPTER 109
LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAMS

567—109.1(455B,455E) Purpose. The purpose of this chapter is to provide direction for the department's implementation of certain financial assistance programs that are funded from the solid waste account within the groundwater protection fund as described in Iowa Code section 455E.11, including the solid waste alternatives program as described in Iowa Code section 455E.11(2)*"a"*(1)(e); the derelict building program as described in Iowa Code section 455E.11(2)*"a"*(1)(d); the Iowa solid waste environmental management systems program as described in Iowa Code section 455E.11(2)*"a"*(1)(c); and other waste management assistance programs as described in Iowa Code section 455E.11(2)*"a"*(2)(a)(1)(iv). All rules, standards, technical guidance, and other similar legal or technical documents referenced in this chapter shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—109.2(455B,455E,455J) Definitions. For the purposes of this rule, the definitions in 567—Chapter 100, those found in Iowa Code section 455B.301 and chapters 455E and 455J, and the following definitions shall apply.

"Abandoned" means that the building has been unoccupied for a minimum of six continuous months.

"Asbestos-containing material" or *"ACM"* means any material that contains more than 1 percent of asbestos.

"Building renovation" means repairs that stabilize or improve the structural integrity of the building, including but not limited to roof repair or replacement, building stabilization, and the tuck-pointing of exterior walls.

"Cost share" means the applicant's share of the eligible costs of the proposed project.

"Deconstruction" means the selective dismantlement of a building for the purpose of maximizing reuse and recycling opportunities through source separation while minimizing disposal costs.

"Derelict building grant eligibility" means any city with a population of 5,000 or less is eligible to apply for a derelict building grant. An applicant may partner with a local nonprofit organization on a project.

"Financial assistance" means monetary assistance in the form of grants, loans, or forgivable loans awarded by the department.

"Phase I environmental assessment" means review of known environmental records and land use information about the site and vicinity.

"Phase II environmental assessment" means actual soil, groundwater and structural material sampling and testing to confirm or deny the presence of contamination.

"Recipient" means any applicant selected to receive financial assistance under these rules.

567—109.3(455B,455E) Funding sources. The department will use moneys that are appropriated by the legislature and that may be obtained from other sources for the purpose of achieving the goals outlined in these rules.

567—109.4(455B,455E,455J) Requirements for financial assistance programs. In addition to any of the requirements of Iowa Code chapters 455B, 455E and 455J, the following requirements shall be met.

109.4(1) *Requests for financial assistance.* Requests for financial assistance must be made by applicants on the relevant program application form provided by the department and according to accompanying guidance documentation that specifies program criteria.

109.4(2) *Awards and agreements for financial assistance.*

a. Recipients shall enter into a written agreement with the department for the purposes of implementing the project for which financial assistance has been awarded. The agreement shall be signed by the appropriate department signatory and the recipient's authorized signatory.

b. A written agreement must be executed between the department and the award recipient prior to the recipient incurring expenses. Awarded funds are disbursed on a reimbursable basis and are not to be incurred prior to executing a written agreement.

c. The department may terminate agreements and seek the return of funds released under the agreement for failure by the recipient to perform under the terms and conditions of the agreement.

d. Amendments to agreements may be adopted by mutual written consent of the department and the recipient.

e. The department reserves the right to offer financial assistance awards in an amount less than that requested by the applicant.

f. For funds to be disbursed, the recipient shall be in compliance with all applicable statutes and regulations as specified in the written agreement.

567—109.5(455B,455E,455J) Denial of financial assistance. The department reserves the right to deny financial assistance requests for any reason, including the following:

109.5(1) Funds are insufficient to award financial assistance to all qualified applicants.

109.5(2) An applicant does not meet eligibility requirements pursuant to the provisions of 109.6(1) for the solid waste alternatives program, 109.7(1) for the derelict building program or 109.8(2) for the environmental management system program.

109.5(3) An applicant does not provide sufficient requested information on forms provided by the department pursuant to 567—109.4(455B,455E,455J).

109.5(4) An applicant has previously received financial assistance under these rules and is determined by the department to be delinquent in repaying the loan or delinquent in submitting required documentation.

109.5(5) The goals or scope of the project is not consistent with 109.6(2) for the solid waste alternatives program, 109.7(2) for the derelict building grant program or 109.8(2) for the environmental management system program.

567—109.6(455B,455E) Solid waste alternatives program. Financial assistance awarded under the solid waste alternatives program shall be used to implement activities that support the practical and beneficial use of solid waste materials and for activities leading to a reduction in the reliance on sanitary landfills for disposal of solid waste.

109.6(1) *Eligible applicants.* Any unit of local government, public or private group, individual or business that has an interest in or has responsibility for solid waste management in Iowa and is currently in compliance with all applicable state statutes and regulations is eligible to apply for the solid waste alternatives program.

109.6(2) *Eligible projects.* The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

a. Best practices—practices and programs that will move Iowa toward long-term pollution prevention, waste reduction and recycling sustainability;

b. Education—practices and programs that are consistent with a coordinated statewide message on pollution prevention, waste reduction, and recycling to ensure ongoing support of these integrated solid waste management activities; and

c. Market development—practices and programs that develop a demand for value-added recyclables sufficient to provide increased and stable commodity markets.

109.6(3) *Type of financial assistance.* The types of financial assistance offered to an applicant may include a forgivable loan, zero interest loan, or low-interest loan. The department reserves the right to offer any combination of types of financial assistance to any selected project.

109.6(4) *Loans.* The term of all loans executed under these rules shall be determined on a case-by-case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement between the department and the recipient will establish other conditions or terms needed to manage or implement the project.

567—109.7(455B,455E) Derelict building grant program. Financial assistance awarded under the derelict building grant program is available to cities of 5,000 or less to help improve the attractiveness and appearance of their jurisdictions by providing financial assistance for eligible projects. Each project must have a landfill diversion component.

109.7(1) *Eligible applicants.* Any city with a population of 5,000 or less is eligible to apply for a derelict building grant. An applicant may partner with a local nonprofit organization on a project.

109.7(2) *Eligible projects.* A city's building is eligible for the program if the building meets the following criteria.

a. The building is an abandoned commercial or public building of which a city has ownership or will obtain ownership no later than June 30 of the fiscal year in which the city applies.

b. The building is not on the National Register of Historic Places.

109.7(3) *Eligible activities and amount of financial assistance.* The eligible activities and amount of financial assistance for each are:

a. Asbestos-containing material inspections: 100 percent reimbursement for inspection costs conducted by a state of Iowa-licensed asbestos contractor.

b. Abatement of asbestos-containing material: 100 percent reimbursement, not to exceed $10,000, for abatement of ACM performed by a state of Iowa-licensed asbestos contractor. A 50 percent cost share is required for those costs exceeding $10,000.

c. Structural engineering analysis: 100 percent reimbursement not to exceed $1,500 for a structural engineering analysis conducted by a licensed structural engineer or architectural historian to determine the ability to renovate the building. The recipient is responsible for all costs exceeding $1,500.

d. Phase I environmental assessment: 100 percent reimbursement not to exceed $3,000 for conducting a Phase I environmental assessment. The recipient is responsible for all costs exceeding $3,000.

e. Phase II environmental assessment: 50 percent reimbursement not to exceed $2,500 for conducting a Phase II environmental assessment. The recipient is responsible for all costs exceeding $5,000. The need for this assessment is determined by the results of the Phase I environmental assessment and involves the sampling of structure components, soil, and groundwater to confirm or deny the presence of contamination.

f. Building renovation: 50 percent reimbursement not to exceed $50,000 for renovation costs, including but not limited to:

(1) Restoration or removal of materials for reuse, either at the site or off site, or for recycling.

(2) Roof repair or replacement.

(3) Building stabilization.

(4) Tuck-pointing of exterior walls.

g. Deconstruction: 50 percent reimbursement not to exceed $50,000 for costs related to deconstruction. All deconstruction projects must achieve a minimum landfill diversion rate of 30 percent of the structure by weight to receive reimbursement for deconstruction costs.

109.7(4) *Deconstruction cost-share incentive.* For every additional 10 percent above 30 percent of landfill diversion by weight that is documented upon completion of the project, the applicant's cost share is reduced by 5 percent and the grant award amount will increase by 5 percent. The maximum grant award for deconstruction projects shall not exceed $75,000.

567—109.8(455E,455J) Environmental management system program. Financial assistance awarded under the environmental management system program is to support projects that pursue continuous improvement by mitigating the environmental impacts of solid waste disposal.

109.8(1) *Eligible applicants.* Any solid waste planning or service area designated as an environmental management system is eligible to apply.

109.8(2) *Eligible projects.* The department may provide financial assistance to applicants for projects that pursue continuous improvement in organics waste management, hazardous household materials collection, water quality improvement, greenhouse gas reduction, recycling services, or environmental education.

These rules are intended to implement Iowa Code sections 455B.301A and 455E.11 and chapter 455J.

ITEM 2. Rescind and reserve **567—Chapter 209**.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 119, 145 and 213
"Used Oil and Used Oil Filters; Household Batteries; Packaging—Heavy Metal Content"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455D.6, 455D.10A, and 455D.19(7)

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455D.6(4), 455D.7(1), 455D.19, 455B.301 through 455B.316, 455D.10A and 455D.10B and Federal Public Law 104-142

Public Hearing

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

October 8, 2025	Via videoconference call
9:30 a.m.	Contact: eo10_solidwaste@dnr.iowa.gov

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Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jennifer Wright
Iowa Department of Natural Resources
6200 Park Avenue
Des Moines, Iowa 50321
Email: eo10_solidwaste@dnr.iowa.gov

Free Language Access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at eo10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al eo10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Chapters 119, 145, and 213 were reviewed consistent with Executive Order 10. These chapters are duplicative to the underlying provisions in Iowa Code chapter 455D. As such, these rules are unnecessary. This rulemaking proposes to rescind all three chapters in their entirety.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Not applicable. The rescission of the three chapters will not cause changes in costs.

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

Not applicable. Benefits will remain the same with the rescission of the three chapters because the substance of the programs will continue to be implemented directly from the authority in the Iowa Code.

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

- **Quantitative description of impact:**

The rescission of the three chapters will not cause a quantitative impact because the substance of the rules will be directly implemented from the Iowa Code.

- **Qualitative description of impact:**

The rescission of the three chapters will not cause a qualitative impact because the substance of the rules will be directly implemented from the Iowa Code.

3. **Costs to the State:**

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

None. The Iowa Code authorizes and directs implementation of the requirements and provisions addressed in the three chapters. The rescission of the three chapters will not change any costs to the Department or other agencies.

- **Anticipated effect on State revenues:**

None. The Iowa Code authorizes and directs implementation of the requirements and provisions addressed in the three chapters. The rescission of the three chapters will not add or subtract any costs to the Department or other agencies.

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

The purpose of rescinding the three chapters is to remove language that is unnecessary, redundant, or duplicative of the Iowa Code. The costs and benefits to the public and the State are fully recognized through the direct implementation of the Iowa Code. The rescission of the three chapters will have no impact on costs and benefits.

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

The intent of the proposed rescission of the three chapters is to remove language that is unnecessary, redundant, or duplicative of the Iowa Code. The costs and benefits to the public and the State are fully recognized through the direct implementation of the Iowa Code. The rescission of the three chapters has no impact on costs and benefits.

6. **Alternative methods considered by the agency:**

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

No alternative methods were considered. Rescinding all three chapters in their entirety was determined to be the best method.

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

Not applicable.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **567—Chapter 119**.

ITEM 2. Rescind and reserve **567—Chapter 145**.

ITEM 3. Rescind and reserve **567—Chapter 213**.

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapter 149
"Fees for Transportation, Treatment, and Disposal of Hazardous Waste"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.105

State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.7(2) and Executive Order 10

Public Hearing

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

October 7, 2025	Via videoconference call
9 a.m.	Contact: matthew.graesch@dnr.iowa.gov

Free Language Assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at matthew.graesch@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al matthew.graesch@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

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

Matthew Graesch
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.250.1923
Email: matthew.graesch@dnr.iowa.gov

Free Language Access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at matthew.graesch@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al matthew.graesch@dnr.iowa.gov.

Purpose and Summary

This rulemaking proposes to rescind Chapter 149 without replacement. This chapter is intended to implement registration and fees for transporting, producing, and/or treating hazardous wastes in the State of Iowa. However, the required aspects of this chapter can be implemented using Iowa Code section 455B.424, which is self-implementing.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Not applicable.

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

Not applicable. Rescinding this chapter will have no effect on the costs of implementing the hazardous waste program.

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

- **Quantitative description of impact:**

Rescission of this chapter will have no effect on the hazardous waste program.

- **Qualitative description of impact:**

Rescission of this chapter will have no effect on the hazardous waste program.

3. **Costs to the State:**

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

Rescission of this chapter will have no effect on costs to the State as part of the hazardous waste program.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

Rescission of this chapter will have no effect on costs to the State as part of the hazardous waste program.

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

The hazardous waste program can be sufficiently implemented through the provisions of the Iowa Code. No less costly or less intrusive methods exist without a change to the Iowa Code. The program is administered in conjunction with EPA Region 7 and is required by federal law.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

No other alternatives were considered because the requirements are mandated by law.

Small Business Impact

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

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

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

Not applicable. The proposed rescission will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **567—Chapter 149**.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapter 152
"Criteria for Siting Low-Level Radioactive Waste Disposal Facilities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.486

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455B.484 through 455B.486

Public Hearing

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

October 7, 2025	Via videoconference call
4 p.m.	Contact: eo10_solidwaste@dnr.iowa.gov

Free Language Assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at eo10_solidwaste@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al eo10_solidwaste@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Sullivan, Supervisor
Solid Waste and Contaminated Sites Section
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: eo10_solidwaste@dnr.iowa.gov

Free Language Access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at eo10_solidwaste@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al eo10_solidwaste@dnr.iowa.gov.

Purpose and Summary

Chapter 152 establishes criteria for the Department to identify and recommend sites that are suitable for operation of low-level radioactive waste disposal facilities as required by the Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1980. However, the current rule structure is outdated. At present, there are four low-level radioactive waste disposal sites in the United States; none are located in Iowa. Since 1985, Iowa has been part of a compact to dispose of such waste generated in Iowa at these out-of-state sites. As such, this chapter was never utilized. If it were to be utilized, it is unclear in 2025 whether the standards in Chapter 152 are still applicable and warranted. Therefore, the Environmental Protection Commission is proposing to rescind these rules until such a time as it is necessary to dispose of low-level radioactive waste in the State.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Not applicable.

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

Not applicable.

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

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable. The impact on State revenues will be neutral since there are no fees or other revenues associated with this chapter.

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

The impact of the cost and benefits of this rulemaking is neutral. Because of the compact, both the costs and benefits of implementing the intent of the low-level radioactive waste laws are realized through an avenue other than rule.

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

Not applicable. This chapter is an artifact; therefore, rescission of this chapter is the less costly and less intrusive method.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable. This chapter is an artifact; therefore, there were no alternative methods considered.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **567—Chapter 152**.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 81, 82, and 85
"Changes Implementing 2025 Iowa Acts, House File 1049"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249A

State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 1049, section 19

Public Hearing

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

October 7, 2025 10 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 1049, section 19, which increases the personal needs allowance described in Chapters 81, 82, and 85 from $50 to $55.

In addition, this proposed rulemaking updates incorrect cross-references in subrule 81.13(2).

All references to Iowa Code section 249A.30A herein are to that section as amended by 2025 Iowa Acts, House File 1049.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no costs associated with this proposed rulemaking.

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

Individuals receiving health care coverage through Iowa Medicaid who are residents of certain facilities will benefit from the increased personal needs allowance implemented through this proposed rulemaking.

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

- **Quantitative description of impact:**

The underlying legislation, 2025 Iowa Acts, House File 1049, appropriates $331,000 to fund the increase to the personal needs allowance.

- **Qualitative description of impact:**

The personal needs allowance for Medicaid-covered residents of certain facilities will increase from $50 to $55.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed rulemaking. In addition, the Department may incur approximately $80,000 in information technology (IT) costs associated with implementing the changes enacted in the underlying legislation.

- **Anticipated effect on State revenues:**

Increasing the personal needs allowance by $5 is estimated to cost approximately $758,000. Of the cost, the federal government will pay $427,000 and the State will pay $331,000.

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

Rulemaking is appropriate because the amount of the personal needs allowance is set forth in Chapters 81, 82, and 85.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 81.13(2) as follows:

81.13(2) *State review and approval of nurse aide training and competency evaluation programs or competency evaluation programs.*

a. The department of inspections, appeals, and licensing will, in the course of all surveys, determine whether the nurse aide training and evaluation requirements of paragraph ~~81.11(19)"e"~~ 81.11(19)*"b"* and subrule ~~81.14(1)~~ 81.13(1) are met.

b. Requirements for approval of programs.

(1) Before the department of inspections, appeals, and licensing approves a nurse aide training and competency evaluation program or competency evaluation program, the department of inspections, appeals, and licensing will determine whether:

1. A nurse aide training and competency evaluation program meets the course requirements of ~~81.14(3)~~ subrule 81.13(3).

2. A nurse aide competency evaluation program meets the requirements of ~~81.14(4)~~ subrule 81.13(4).

(2) Except as provided by paragraph ~~81.14(2)*"f,"*~~ 81.13(2)*"f,"* the department of inspections, appeals, and licensing will not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility that, in the previous two years:

1. to 7. No change.

c. to *e.* No change.

f. An exception to subparagraph ~~81.14(2)*"b"*(2)~~ 81.13(2)*"b"*(2) may be granted by the department of inspections, appeals, and licensing for 75-hour nurse aide training courses offered in (but not by) a facility under the following conditions:

(1) to (10) No change.

ITEM 2. Amend rule 441—81.18(249A) as follows:

441—81.18(249A) State-funded personal needs supplement. A Medicaid member living in a nursing facility who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month shall receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

ITEM 3. Amend rule 441—82.16(249A) as follows:

441—82.16(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with an intellectual disability who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month will receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

ITEM 4. Amend rule 441—85.20(249A) as follows:

441—85.20(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with mental illness who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month will receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 174
"Student Abuse Reports and Investigations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232E.2(6)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 232E

Public Hearing

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

October 7, 2025 10 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, Senate File 659, division VI, which establishes new Iowa Code chapter 232E. This new Iowa Code chapter tasks the Department with the investigation of alleged cases of student abuse involving a public or nonpublic school employee.

All references to Iowa Code chapter 232E herein are to that chapter as enacted by 2025 Iowa Acts, Senate File 659.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The Department may impose and collect a reasonable reimbursement from public schools and nonpublic schools for the costs incurred by the Department in administering the student abuse reporting and investigation duties under Iowa Code chapter 232E and these proposed rules.

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

Students of public schools and nonpublic schools will benefit from the safeguards and protections outlined in these proposed rules.

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

- **Quantitative description of impact:**

Because this proposed rulemaking implements new legislation, there is no existing data.

- **Qualitative description of impact:**

These proposed rules create a uniform procedure for the reporting and investigation of allegations of student abuse by a public or nonpublic school employee. These proposed rules are limited to protecting children in prekindergarten and K-12 educational programs.

3. **Costs to the State:**

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

The Department may incur personnel and other administrative costs associated with administering this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking does not have an impact on State revenues.

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

Rulemaking is required by Iowa Code section 232E.2(6).

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 174:

CHAPTER 174
STUDENT ABUSE REPORTS AND INVESTIGATIONS

441—174.1(232E) Application—not exclusive.

174.1(1) Iowa Code chapter 232E applies only to reports of alleged student abuse received on or after July 1, 2025, and only if the report is made within three years from the date of the occurrence of the incident alleged in the report.

174.1(2) Iowa Code chapter 232E does not provide an exclusive process or remedy for addressing any abuse involving students and does not preclude or replace other available forms of reporting, investigation, or disciplinary action.

441—174.2(232E) Definitions.

"Board of educational examiners" means the same as defined in Iowa Code chapter 232E.

"Credible report" means a report of alleged student abuse that is deemed by the department to be both investigable and complete and is an accepted report for the purposes of an investigation under Iowa Code chapter 232E.

"Department policies and procedures" means the written guidelines formulated by the department to be used by department personnel involved in the reporting and investigation of allegations of student abuse.

"Disposition data and information," for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)*"b"* and as specified under subrule 174.10(3), means materially relevant data and information pertaining to the department's determination that the allegation of student abuse is substantiated.

"Identifiable," relative to an allegedly abused student or to a school employee allegedly involved in an incident, means an individual who is not anonymous and who may be identified by specific factors, such as name, age, address, or birth date.

"Identifiable source," with reference to the reporter of an allegation of student abuse, means an individual who is not anonymous; who may be identified by specific factors, such as name, age, address, or birth date; and who is available to sign the written report of alleged student abuse.

"Incident" means an occurrence of behavior that meets the definition of student abuse.

"Inconclusive," with reference to a credible report of student abuse that has been referred to law enforcement, means that, because the joint investigation has not yet been concluded, there is not sufficient evidence to determine whether the incident occurred.

"Injury" means bodily injury for which evidence of the injury is still apparent at least 24 hours after an incident.

"Investigation" means the same as defined in Iowa Code chapter 232E.

"Investigation report data and information," for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)*"b"* and as specified under subrule 174.10(3), means materially relevant data and information pertaining to an investigation of an allegation of student abuse based upon which the department determines the alleged student abuse is substantiated.

"Investigator" means personnel of the department to whom a credible report is assigned for investigation.

"Model policy" means the policy and procedures formulated by the department of education in consultation with the department to be used in the reporting and investigating of an allegation of student abuse under Iowa Code chapter 232E.

"Nonpublic school" means the same as defined in Iowa Code chapter 232E.

"Preponderance of the evidence" means reliable, credible evidence that is of greater weight than evidence offered in opposition to it.

"Public school" means the same as defined in Iowa Code chapter 232E.

"Public school district" means the same as defined in Iowa Code chapter 232E.

"Receipt of a report" or *"receipt of a credible report"* occurs on the date of the business day on which a credible report is initially assigned to an investigator.

"School employee" means the same as defined in Iowa Code chapter 232E.

"School time" means the hours of a regular school day as specified by the board of directors of a public school district or by the authorities in charge of a nonpublic school.

"Student" means the same as defined in Iowa Code chapter 232E.

"Student abuse" means the same as defined in Iowa Code chapter 232E.

"Substantiated," with reference to a credible report of student abuse, means that, based on the investigation, there is a preponderance of the evidence indicating the incident occurred.

"Unsubstantiated," with reference to a credible report of student abuse, means that, based on the investigation, there is not a preponderance of the evidence indicating the incident occurred.

441—174.3(232E) Child abuse intake process—report of alleged student abuse.

174.3(1) If, during the child abuse intake process under Iowa Code chapter 232, subchapter III, part 2, an identifiable source reports information that the department, in accordance with department policies and procedures, determines may constitute an allegation of student abuse, the identifiable source shall be referred to the student abuse intake process.

174.3(2) If, during the child abuse intake process under Iowa Code chapter 232, subchapter III, part 2, the department determines the information reported by an identifiable source does not constitute an allegation of student abuse subject to investigation by the department, the department shall reject the report and may inform the identifiable source of all the following:

a. The report is rejected and the basis for the rejection.

b. Iowa Code chapter 232E does not provide an exclusive remedy for the reporting of allegations of student abuse. Rejection of a report of alleged student abuse does not preclude other available forms of reporting, investigation, or disciplinary action.

c. Options remaining for the identifiable source to pursue may include:

(1) Contacting law enforcement.

(2) Contacting the county attorney.

(3) Contacting private counsel for the purpose of filing a civil suit or complaint.

(4) Filing a complaint with the board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident or contacting the board of educational examiners, as applicable.

441—174.4(232E) Student abuse intake process—credible reports.

174.4(1) Following the referral of an identifiable source of a report of alleged student abuse to the student abuse intake process, the department will do all the following:

a. Assist the identifiable source in making a report of alleged student abuse. Reports shall be made in a manner similar to that specified in Iowa Code section 232.70 as adapted for application to student abuse reports in department policies and procedures.

b. Determine if the report of alleged student abuse is a credible report.

c. If the report of alleged student abuse is determined to be a credible report, refer the credible report to an investigator for investigation.

174.4(2) Credible reports. To be a credible report, a report of alleged student abuse must be deemed to be both investigable and complete by the department.

174.4(3) Investigable reports.

a. To be deemed investigable, a report of alleged student abuse must provide all the following details as specified in department policies and procedures:

(1) The person allegedly responsible for the act or omission is identifiable, was a school employee at the time of the alleged incident, and remains a school employee at the time the alleged abuse is reported.

(2) The alleged act or omission of the school employee is alleged to have occurred on school grounds during school time or on or at a school-related curricular or extracurricular activity.

(3) The alleged act or omission of the school employee resulted in injury or otherwise meets the definition of student abuse.

(4) The allegedly abused student is identifiable and is a student or was a student at the time of the alleged incident.

b. If the report of alleged student abuse is deemed not to be investigable, the report will be dismissed for lack of jurisdiction.

c. Not physical abuse.

(1) For the purposes of determining whether the alleged act or omission of a school employee constitutes physical abuse that meets the definition of student abuse under subparagraph 174.4(3)*"a"*(3), the following do not constitute physical abuse, and no school employee is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain:

- To quell a disturbance or prevent an act that threatens physical harm to any person.
- To obtain possession of a weapon or other dangerous object within a student's control.
- For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
- For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
- To remove a disruptive student from class, any area of school premises or school-sponsored activities off school premises.
- To prevent a student from the self-infliction of harm.
- To protect the safety of others.

2. Using incidental, minor, or reasonable physical contact to maintain order and control.

(2) In determining the reasonableness of the contact or force used under subparagraph 174.4(3)*"c"*(1), the following factors will be considered:

1. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
2. The size and physical condition of the student.
3. The instrumentality used in making the physical contact.
4. The motivation of the school employee in initiating the physical contact.
5. The extent of injury to the student resulting from the physical contact.

174.4(4) Complete reports.

a. To be deemed complete, a report of alleged student abuse must meet all the following conditions as specified in department policies and procedures. The report must:

(1) Contain information regarding the identifiable source making the allegation of student abuse; the student allegedly abused; the school employee allegedly involved in the alleged incident; any witnesses to the alleged incident; and any person who examined, counseled, or treated the student for the alleged abuse.

(2) Include a concise statement of the facts surrounding the alleged incident, including the date, time, and place of occurrence, if known.

(3) Be reduced to writing, signed by the identifiable source, and witnessed by a person of majority age.

b. If a report of alleged student abuse is deemed incomplete by the department, the report will not be rejected unless either of the following conditions apply:

(1) The reporter of the alleged student abuse is not an identifiable source and does not sign the written report, and the report is not witnessed by a person of majority age.

(2) A reasonable person would conclude that the absence of the information missing from the report of alleged student abuse would render an investigation of the report futile or impossible.

441—174.5(232E) Options if report dismissed or rejected during student abuse intake. If the report of alleged student abuse is dismissed as not being investigable for lack of jurisdiction or rejected as incomplete, the department may inform the identifiable source of all the following:

174.5(1) The report is being dismissed or rejected and the basis for the dismissal or rejection.

174.5(2) Iowa Code chapter 232E does not provide the exclusive remedy for the reporting of allegations of student abuse. Dismissal or rejection of the report of alleged student abuse does not preclude other available forms of reporting, investigation, or disciplinary action.

174.5(3) Options remaining for the reporter of alleged abuse to pursue may include:

a. Contacting law enforcement.

b. Contacting the county attorney.

c. Contacting private counsel for the purpose of filing a civil suit or complaint.

d. Filing a complaint with the board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident or contacting the board of educational examiners, as applicable.

441—174.6(232E) Notification of school authorities and identifiable source regarding credible reports. The department, in accordance with department policies and procedures, will notify all the following when a report of alleged student abuse is determined to be a credible report:

174.6(1) The board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident and the board of educational examiners, as applicable. The department of education shall cooperate with the department in completing the required notifications under this paragraph and shall provide the department with access to school contact information through the Iowa education portal to ensure the accuracy of the notifications.

174.6(2) The identifiable source.

441—174.7(232E) Investigation—duties of an investigator and school authorities.

174.7(1) *Duties of an investigator.* An investigator will do all the following:

a. Commence an investigation within 24 hours of the receipt of a credible report.

b. Based on a credible report received, if an investigator determines the alleged student abuse constitutes a criminal act:

(1) Refer the matter to law enforcement, defer the department's investigation, and work jointly with law enforcement in law enforcement's investigation. The investigator may share with law enforcement information collected by the department during the joint investigation.

(2) If the investigation is deferred under this paragraph, resume the deferred investigation following completion of the joint investigation if the investigator determines information collected during the joint investigation warrants further investigation. The investigator will complete the resumed investigation within 30 business days of its commencement and will submit a written investigation report to the entities as specified under this rule upon the completion of the resumed investigation.

c. During the investigation:

(1) Interview the allegedly abused student, any witnesses or persons who may have knowledge of the circumstances contained in the credible report, and the school employee allegedly involved in the incident identified in the credible report.

(2) Conduct the interview of the allegedly abused student and any other student in a manner similar to that specified in Iowa Code section 232.71B(7), relating to child abuse assessment interviews conducted in facilities or schools as adapted for application to student abuse interviews in department policies and procedures.

(3) Provide notification to the parent or guardian of the allegedly abused student in a manner similar to that specified in Iowa Code section 232.71B(2), relating to the notification of parents regarding a child abuse assessment as adapted for application to student abuse investigations in department policies and procedures.

(4) Provide notification to the school employee allegedly involved in the incident in a manner similar to that specified in Iowa Code section 232.71B(4), relating to the notification of a person alleged to have committed child abuse as adapted for application to student abuse investigations in department policies and procedures.

d. Complete the investigation within 30 business days of the date of receipt of the credible report unless the investigation is deferred.

e. Include in the written investigation report the information specified in department policies and procedures. At a minimum, the written investigation report will include all of the following:

(1) A general overview of the investigation.

(2) If the matter was not referred to law enforcement and the department's investigation was not deferred, a statement that, in the investigator's opinion, the allegations in the credible report are either substantiated or unsubstantiated.

(3) If the matter was referred to law enforcement, the department's investigation was deferred, and the joint investigation has not been completed, a statement that the allegations in the credible report are inconclusive pending the results of the joint investigation.

(4) Any alternative status or disposition of the investigation.

(5) Any other information relevant to the investigation and the department's determination relating to the allegation of student abuse.

174.7(2) *Duties of school authorities.*

a. Granting access and immunity.

(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall cooperate with the investigator by providing confidential access to the allegedly abused student named in the credible report for the purpose of interviewing the student and shall allow the investigator confidential access to other students for the purpose of conducting interviews to obtain relevant information.

(2) The immunity granted by Iowa Code section 232.73 applies to participation in good faith by boards of directors of a public school district and the authorities in charge of nonpublic schools, the facilities of a public school or nonpublic school, and public school districts in an investigation and when providing confidential access to a student.

b. The board of directors of a public school district or the authorities in charge of a nonpublic school shall provide an investigator access to an allegedly abused student's education records pursuant to 34 CFR §99.31 as amended to August 1, 2025.

441—174.8(232E) School employee resignation during pendency of investigation. Following a determination by the department that a report of alleged student abuse is a credible report, the department will complete the investigation of the credible report in accordance with rule 441—174.7(232E), whether the school employee allegedly involved in the incident resigns any time prior to or at the time of the submission of the written investigation report.

441—174.9(232E) Substantiated report—right of school employee to contested case proceedings and further review.

174.9(1) At the time the written investigation report is submitted to the board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, under paragraph 174.7(1)*"e,"* the department will provide notice of the department's determination regarding the allegation of student abuse to the school employee who is the subject of the investigation pursuant to 441—Chapter 16.

174.9(2) If the notice of determination includes a statement that the allegation of student abuse is substantiated, the notice of determination will also inform the school employee who is the subject of the investigation of:

a. The school employee's right to contested case proceedings and further review pursuant to 441—Chapter 7; and

b. The right and process to request additional investigation report data and information and disposition data and information as specified in department policies and procedures.

174.9(3) The department will notify the board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, of the following:

a. If the school employee requests contested case proceedings under 441—Chapter 7.

b. The proposed decision of the contested case.

c. If the school employee requests director's review pursuant to rule 441—7.11(17A).

d. The final decision of the contested case.

174.9(4) Any disciplinary, employment, or other action that may be taken in response to an investigation report by the directors of a public school district, the authorities in charge of a nonpublic school, or the board of educational examiners, as applicable, is stayed during the pendency of the proceedings under subrule 174.9(2).

441—174.10(232E) Case record retention—protection of identifiable source—disclosure limitations.

174.10(1) The department will retain the case record, including the intake report, the written investigation report, and all related supporting documentation, for three years from the date the written investigation report is submitted pursuant to paragraph 174.7(1)*"e"* to the director of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable.

174.10(2) The name and identity of the identifiable source of a report of alleged student abuse will not be disclosed with the following exceptions:

a. To department personnel and law enforcement involved in, and as necessary to perform official duties related to, the reporting and investigation of a specific allegation of student abuse.

b. To the board of educational examiners if the allegation of student abuse involves a school employee who is licensed, certified, or authorized by the board of educational examiners, or who holds an active statement of recognition issued by the board of educational examiners, as necessary to perform official duties related to the specific allegation of student abuse.

c. To other persons for good cause as determined by the department based on criteria specified in department policies and procedures.

174.10(3) Student abuse information.

a. Student abuse information is confidential and shall not be a public record under Iowa Code chapter 22. The confidentiality of all student abuse information will be maintained, except as specifically provided in these rules and department policies and procedures.

b. Student abuse information may be shared with department personnel as necessary to perform official duties.

c. With the exception of the name and identity of the identifiable source, the disclosure of which is subject to subrule 174.10(2), any investigation report data and information and disposition data and information, as specified by department policies and procedures, may be disclosed, upon request, only to the following:

(1) The student named in the report of student abuse as the victim or the student's attorney or guardian ad litem.

(2) The parent or guardian or the attorney for the parent or guardian of the student named in the report of student abuse as the victim.

(3) A person or the attorney for the person named in a report as having abused the student.

(4) Law enforcement involved in the investigation of the report of student abuse.

(5) The board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, that received the written investigation report.

(6) The county attorney.

(7) The administrative law judge or court involved in a contested case proceeding or further review upon a finding that the information is necessary for the resolution of an issue arising in any phase of a case involving a determination of a substantiated allegation of student abuse.

441—174.11(232E) Substantial compliance. Because investigative procedures seldom allow for rigid observance of the protocol, substantial compliance with these rules is required with the overriding goal of reaching a fair and unbiased resolution of a report of alleged student abuse.

441—174.12(232E) Costs of student abuse reporting and investigations. The department may impose and collect a reasonable reimbursement from public schools and nonpublic schools for the costs incurred by the department in administering the student abuse reporting and investigation duties under Iowa Code chapter 232E and these rules.

These rules are intended to implement Iowa Code chapter 232E.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 201
"Subsidized Adoptions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 600.17 through 600.23
State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 1049

Public Hearing

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

October 7, 2025 10 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 1049, section 22, by adding an appropriated increase in foster care and subsidized adoption rates to the Iowa Administrative Code. The program provides financial assistance to interested adoptive parents capable of providing suitable care but lacking in necessary economic resources.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no costs associated with this proposed rulemaking.

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

Parents and children in subsidized adoptions will benefit from the proposed rulemaking.

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

- **Quantitative description of impact:**

2025 Iowa Acts, House File 1049, section 22, appropriated $308,765 to increase foster and adoption maintenance rates by 5 percent.

- **Qualitative description of impact:**

The increase in foster and adoption maintenance rates will benefit adoptive parents and their children by providing enhanced subsidy support.

3. **Costs to the State:**

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

There are no implementation or enforcement costs beyond the $308,765 appropriation to increase foster and adoption maintenance rates by 5 percent as specified in 2025 Iowa Acts, House File 1049.

- **Anticipated effect on State revenues:**

Adoption subsidy payments are provided out of federal Title IV-E of the Social Security Act funds as well as the State-appropriated funds.

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

Not applicable.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend paragraphs **201.5(6)"a"** and **201.5(6)"b"** as follows:

a. The maximum monthly maintenance payment for a child in subsidized adoption shall be made pursuant to the foster family care maintenance rates according to the age and special needs of the child as found in 441—subrule 156.6(1) and 441—paragraph 156.6(4)*"f"* for eligible adoptions that take place on or after July 1, ~~2024~~ 2025. Eligible subsidized and future subsidized adoptions that took place on June 30, ~~2024~~ 2025, or before will remain on the basic rate in effect on June 30, ~~2024~~ 2025.

b. Basic rate effective ~~June 30, 2024~~ July 1, 2025:

Age of child	Daily rate
0 through 5	~~$16.78~~ $18.50
6 through 11	~~$17.45~~ $19.24
12 through 15	~~$19.10~~ $21.06
16 or older	~~$19.35~~ $21.34

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 572, 574, 575, 577, and 581
"Practical Training for Dental Assistants"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 153 and 272C

State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 805, and Iowa Code chapters 147, 153 and 272C

Public Hearing

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

October 7, 2025	6200 Park Avenue
9 a.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Dental Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Emily DeRonde
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.249.7038
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

This proposed rulemaking amends the rules promulgated by the Board to implement 2025 Iowa Acts, House File 805. This legislation allows for dental assistants to practice in Iowa without a requirement to be registered if they complete a term of practical training as set forth in rule and Iowa Code chapter 153.

All references to Iowa Code chapters 147 and 153 and section 153.39 herein are to those chapters and that section as amended by 2025 Iowa Acts, House File 805.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no anticipated costs with this proposed rulemaking, other than the costs already incurred by the Board to enforce the rules. A licensed dentist may incur costs in training a dental assistant in the dentist's office should the dentist decide to utilize the practical training program.

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

This proposed rulemaking allows an additional pathway to becoming a dental assistant in Iowa. Dental assistants will be able to work without the need to be registered.

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

- **Quantitative description of impact:**

Members of the public would incur no costs other than payment/copayment for dental services provided. Dental assistants would be responsible for the training necessary to be certified for expanded functions and radiography.

- **Qualitative description of impact:**

The Board believes that the costs are justified by the benefits achieved because the proposed rules allow a dental assistant to practice without the requirement of being registered or completing schooling or examinations, so long as the dental assistant meets the requirements of these rules and completes the practical training term. This will allow for more dental assistants to join the profession and a quicker entry into the profession.

3. **Costs to the State:**

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

Costs to the agency are for the staff time needed to manage Board activities, including oversight of practice standards and requirements. The Board would still need to review and approve training for expanded functions and radiography; however, the Board does not anticipate any further costs than are already incurred. The time needed to manage this provision is generally in the form of responding to questions related to practice standards and processing requests for review of expanded functions training. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board is required by 2025 Iowa Acts, House File 805, to implement these rules.

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

The Board is required by 2025 Iowa Acts, House File 805, to implement these rules. The Board does not believe there is a less costly or less intrusive method to achieve the purpose of this proposed rulemaking.

6. **Alternative methods considered by the agency:**

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

The Board is required by 2025 Iowa Acts, House File 805, to implement these rules. The Board has not identified any alternative methods to carry out this proposed rulemaking.

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

The Board is required by 2025 Iowa Acts, House File 805, to implement these rules. The Board has not identified any alternative methods to carry out this proposed rulemaking.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

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

These proposed rules relate to public safety concerns that are present whether the business is a small business or a large corporation. While some dental professionals may work in a smaller dental office, some also work for large corporations, hospitals, and other dental facilities. To exempt small businesses from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 572.6(1) as follows:

572.6(1) Applicants for a radiography qualification must also be ~~registered as~~ a dental assistant pursuant to Iowa Code chapter 153 or hold an active license issued by the board of nursing.

ITEM 2. Amend rule 481—574.1(153) as follows:

481—574.1(153) Licensed ~~or registered~~ personnel. In accordance with Iowa Code chapters 147 and 153, persons engaged in the practice of dentistry, dental hygiene or dental assisting in Iowa must be licensed by the board as a dentist or dental hygienist or ~~registered~~ trained pursuant to Iowa Code chapter 153 as a dental assistant.

This rule is intended to implement Iowa Code chapters 147 and 153.

ITEM 3. Amend subrules 574.4(1) and 574.4(2) as follows:

574.4(1) *Child and dependent adult abuse training.* Licensees or ~~registrants~~ dental assistants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting in accordance with Iowa Code sections 232.69 and 235B.16 and 481—Chapter 573.

574.4(2) *Cardiopulmonary resuscitation.* Licensees and ~~registrants~~ dental assistants may practice in Iowa if they obtain and maintain current certification in a cardiopulmonary resuscitation (CPR) course that included a hands-on component. The board reserves the right to request that licensees and registrants provide evidence of current certification.

ITEM 4. Amend rule 481—575.1(153) as follows:

481—575.1(153) Registration required. A person shall not practice dental assisting without a current registration issued by the board pursuant to rule 481—571.5(147,153). The following individuals are exempt from the requirements of this rule:

575.1(1) Students enrolled in an accredited dental, dental hygiene, or dental assisting program;

575.1(2) Dental assistant trainees who are meeting the requirements for registration pursuant to Iowa Code section 153.39; ~~and~~

575.1(3) Persons who are actively licensed in Iowa to practice dental hygiene or nursing and who are engaged in the practice of said profession~~.~~; and

575.1(4) Persons who successfully completed a three-month term of practical training under the supervision of a dentist pursuant to Iowa Code section 153.39(5).

ITEM 5. Amend rule 481—575.3(153) as follows:

481—575.3(153) Dental assistants.

575.3(1) Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for ~~registration~~ dental assistants pursuant to Iowa Code section 153.39 and rule

481—571.5(147,153). Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to Iowa Code chapters 136C and 153 and this chapter.

a. Dental assistant trainees should successfully complete on-the-job training and examinations in the areas of infection control, hazardous materials, and jurisprudence.

b. A dental assistant trainee shall stop work as a dental assistant trainee if the trainee fails to become registered or complete the term of practical training described in Iowa Code section 153.39(5) prior to the expiration date.

575.3(2) Registered dental assistants are individuals who have met the requirements for registration and have been issued registration. A registered dental assistant may, under direct supervision, assist a dentist in performing duties assigned by the dentist that are consistent with these rules. A registered dental assistant may take radiographs if qualified pursuant to this chapter.

575.3(3) Persons may practice as a dental assistant without receiving a certificate of registration as described in Iowa Code section 153.39 if the person successfully completes a term of practical training under the supervision of a licensed dentist.

ITEM 6. Amend subrule 575.5(1), introductory paragraph, as follows:

575.5(1) A licensed dentist may delegate the following services to a ~~registered~~ dental assistant under general supervision:

ITEM 7. Amend subrule 577.1(1), introductory paragraph, as follows:

577.1(1) Dental hygienists or ~~registered~~ dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

ITEM 8. Amend subrule 577.1(3) as follows:

577.1(3) To be eligible to train in expanded function procedures, dental assistants must ~~hold an active registration and~~ comply with one of the following:

a. Be a graduate of an accredited school;

b. Be currently certified by the Dental Assisting National Board (DANB); or

c. Have at least three months of clinical practice as a ~~registered~~ dental assistant ~~or clinical practice as a dental assistant in a state that does not require registration~~.

ITEM 9. Amend paragraph **581.3(1)"d"** as follows:

d. Delegation of any acts to any licensee, ~~or~~ registrant or qualified person that are beyond the training or education of the licensee, ~~or~~ registrant or qualified person, or that are otherwise prohibited by rule;

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Regulatory Analysis

Notice of Intended Action published: **ARC 9414C**, IAB 7/23/2025
"Contribution Rates for Sheriffs, Deputy Sheriffs, and Protection Occupations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 97B.4 and 2025 Iowa Acts, House File 969

State or federal law(s) implemented by the rulemaking: Iowa Code section 97B.15 and 2025 Iowa Acts, House File 969

Public Hearing

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

October 14, 2025 11 to 11:30 a.m.	7401 Register Drive Des Moines, Iowa Microsoft Teams: Link to online access Meeting ID: 292 274 065 437 Passcode: PE2Zf2ey

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Employees' Retirement System (IPERS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Cheryl A. Vander Hart
7401 Register Drive
Des Moines, Iowa
Phone: 515.281.7623
Email: cheryl.vanderhart@ipers.org

Purpose and Summary

This rulemaking implements 2025 Iowa Acts, House File 969, regarding retirement contributions of and benefits associated with cancer diagnoses of members of certain public retirement systems. The legislation, signed by the Governor on June 6, 2025, with an effective date of July 1, 2025, authorizes IPERS to implement any necessary changes via emergency rulemaking.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Costs will be borne by both sheriffs and deputy sheriffs and protected occupations member classes and their employers.

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

The above named classes of IPERS members will benefit.

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

- **Quantitative description of impact:**

IPERS' enabling legislation requires employer and employee contribution rates for each Fiscal Services Division member class be updated every fiscal year. Contribution rates for FY 2026 were

updated as required in Adopted and Filed **ARC 9287C** (effective June 18, 2025). 2025 Iowa Acts, House File 969 was signed by the Governor on June 6, 2025, requiring further contribution rate updates for sheriff and deputy sheriffs and protected occupations member classes and their employers. This Regulatory Analysis serves as the final document required to complete the emergency double-barrel rulemaking that began with the submission of Adopted and Filed Emergency **ARC 9417C** and Notice of Intended Action **ARC 9414C**, both published in the July 23, 2025, Iowa Administrative Bulletin.

- **Qualitative description of impact:**

Contribution rates rise or fall based upon specific mandates outlined in applicable Iowa Code sections and in conjunction with the determination of the designated consulting actuary. IPERS administrative rules must also always be brought current to all applicable legislation.

3. **Costs to the State:**

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

IPERS anticipates no cost to the agency for implementation and enforcement.

- **Anticipated effect on State revenues:**

No such effect is expected.

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

Agency inaction would violate applicable portions of the Iowa Code specifically governing the process of updating contribution rates.

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

This is not applicable since IPERS must bring agency administrative rules into compliance with new legislation via the process outlined in applicable Iowa Code sections.

6. **Alternative methods considered by the agency:**

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

IPERS did not seriously consider alternative methods.

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

When implementing contribution changes, IPERS must do so pursuant to the parameters of the Iowa Code section(s) governing such changes.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Amend rule 495—4.6(97B) as follows:

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) No change.

4.6(2) Contribution rates for sheriffs and deputy sheriffs are as follows.

	Effective July 1, 2021	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025
Combined rate	18.02%	17.52%	17.02%	17.02%	24.18%
Employer	9.01%	8.76%	8.51%	8.51%	~~12.09%~~ 11.965%
Employee	9.01%	8.76%	8.51%	8.51%	~~12.09%~~ 12.215%

4.6(3) Contribution rates for protection occupations are as follows.

	Effective July 1, 2021	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025
Combined rate	15.52%	15.52%	15.52%	15.52%	15.52%
Employer	9.31%	9.31%	9.31%	9.31%	~~9.31%~~ 9.185%
Employee	6.21%	6.21%	6.21%	6.21%	~~6.21%~~ 6.335%

4.6(4) to **4.6(7)** No change.

Regulatory Analysis

Notice of Intended Action to be published: subrule 132.3(4)
"Service Program Operations"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 147A and section 169.4 as amended by 2025 Iowa Acts, Senate File 296

Public Hearing

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

October 7, 2025 10 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements Iowa Code sections 147A.8 and 169.4 as amended by 2025 Iowa Acts, Senate File 296, which provides that emergency medical care providers may diagnose or treat a severely injured police service dog.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no costs associated with this proposed rulemaking.

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

Emergency medical service providers will benefit from the guidance provided in this proposed rulemaking.

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

- **Quantitative description of impact:**

There is no data associated with this proposed rulemaking since it is implementing new legislation.

- **Qualitative description of impact:**

This proposed rulemaking provides guidance to emergency medical service providers who may be in a position to diagnose or treat a severely injured police service dog.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs implementing the proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

Providing direction for the development of policies and procedures via administrative rule strengthens the integrity of the emergency medical service treatment that may be provided under this new legislation.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** paragraph **132.3(4)"e"**:

e. Service programs electing to diagnose or treat police service dogs. A service program that elects to have rostered emergency medical care providers diagnose or treat severely injured police service dogs shall develop, maintain, and follow policies and procedures for diagnosing or treating police service dogs. The policies and procedures shall be developed in consultation with a veterinarian holding an active license to practice veterinary medicine in Iowa pursuant to Iowa Code chapter 169.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 1
"Organization and Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.5, 35A.8, 35B.19, 17A.4, 17A.9A, 35B.6, 35B.11, 35D.1, and 35D.17

State or federal law(s) implemented by the rulemaking: Iowa Code sections 35A.5, 35A.8, 35B.19, 17A.4, 17A.9A, 35B.6, 35B.11, 35D.1, and 35D.17

Public Hearing

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

October 28, 2025 3:30 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking is intended to update the organization and procedures of the Department and eliminate obsolete information.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There is no quantitative impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact associated with this proposed rulemaking.

3. **Costs to the State:**

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

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

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

This proposed rulemaking will provide benefit by informing the public about the realigned structure of the Department and updated sources to find information.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

This proposed rulemaking concerns the structure and procedures of the Department. There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND PROCEDURES

801—1.1(35,35A,35D) Definitions. Unless otherwise provided for by law, the following definitions apply to 801—Chapters 1 through 17:

"Annual school of instruction" means annual classroom certification and recertification training sponsored by the department for county veterans service officers to meet accreditation requirements of the commandant.

"Armed forces graves" means graves of any individuals who die during or after discharge from honorable service in the army, navy, air force, marines, merchant marines, coast guard, space force, or as a federally activated reservist or member of the national guard and are buried within the state of Iowa.

"Cemetery" means the Iowa Veterans Cemetery.

"Chairperson" means the chairperson of the commission.

"Commandant" means the director of the Iowa department of veterans affairs.

"Commission" means the Iowa commission of veterans affairs.

"Commissioner" means a member of the Iowa commission of veterans affairs.

"County commission" means a county commission of veteran affairs.

"County commissioner" means a member of a county commission of veteran affairs.

"County veterans service officer" means an executive director or administrator of a county commission of veteran affairs.

"Department" means the Iowa department of veterans affairs.

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A.

1.2(1) *Office location.* The commission maintains its office at the Iowa Department of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698 or 1.800.838.4692 (1.800.VET.IOWA).

1.2(2) *Meetings and conduct of business.*

a. Meetings. Regular meetings of the commission are held four times a year during the months of January, April, July, and October at 10 a.m. Written notices stating the time and place of the meetings shall be provided consistent with Iowa Code chapter 21. Special meetings may be held pursuant to call by the chairperson. Notice of time and place is posted in the same manner as a regular meeting.

b. A quorum consists of two-thirds of the membership appointed and qualified to vote.

c. A quorum is needed to carry a position.

d. Copies of minutes are kept on file in the office of the department.

e. In cases not covered by these rules, Robert's Rules of Order apply.

1.2(3) *Duties.* In addition to duties prescribed by law, the commission will:

a. Organize and annually select a chairperson, a senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

b. Supervise the commandant's administration of commission policy for the operation and conduct of the Iowa Veterans Home as set out in rule 801—1.4(35A,35D) and 801—Chapter 10.

c. Review proposed administrative rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within 30 days of the date the proposed rule is submitted, the department may proceed to adopt the rule.

801—1.3(35,35A) Commandant. The commandant is responsible for administering the duties and enforcing the policies of the department, the commission, and the Iowa Veterans Home.

1.3(1) *Office location and hours.* The office of the commandant is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The office is open to the public during the hours of 8 a.m. to 4:30 p.m., except Saturday, Sunday, and holidays. The telephone number is 515.252.4698 or 1.800.838.4692 (1.800.VET.IOWA).

1.3(2) *Administrative staff.* The commandant provides direction to administrative staff employed by the department to assist the commandant in carrying out assigned duties.

1.3(3) *Investigation of applications.* The commandant examines all applications and approves or disapproves the same and makes any investigation necessary to establish facts regarding veterans service status and veterans affairs data in accordance with Iowa Code chapters 35 and 35A.

1.3(4) *Duties.* In addition to duties prescribed by law, the department:

a. Ensures county commissions comply with required office hours.

b. Collects and maintains information concerning veterans affairs.

c. Assists the United States Department of Veterans Affairs, the Iowa Veterans Home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans' service records and veterans affairs data.

d. Administers or conducts one school for training of county veterans service officers and another for county commissioners of veteran affairs pursuant to Iowa Code section 35A.5(6). At the discretion of the commandant, training for newly appointed county veterans service officers may also be conducted. Training provided for veterans service officers includes accrediting courses, as well as other subjects at the discretion of the commandant, who certifies satisfactory completion. The training shall ensure that each county veterans service officer is proficient in the use of electronic mail, general computer use, and use of the Internet to access information regarding facilities, benefits, and services available to veterans and their families.

801—1.4(35A) Iowa Veterans Cemetery. The department operates and administers the Iowa Veterans Cemetery in accordance with United States Department of Veterans Affairs' standards.

1.4(1) *Operation and maintenance.* The cemetery shall be operated and maintained in accordance with national standards set forth in 38 U.S.C. 24 as effective on [effective date of the rulemaking].

1.4(2) *Application for interment.* The department shall provide veterans and their eligible dependents with a standardized application for interment at the cemetery. This application is available at the Iowa Veterans Cemetery, 34024 Veterans Memorial Drive, Adel, Iowa 50003-3300; the Iowa Department of Veterans Affairs, 7105 NW 70th Avenue, Camp Dodge, Building 3465, Johnston, Iowa 50131-1824; or online at dva.iowa.gov/iowa-veterans-cemetery.

1.4(3) *Eligibility.* The department makes eligibility for interment determinations consistent with 38 U.S.C. 24 as effective on [effective date of the rulemaking]. State residency is not a component of eligibility.

801—1.5 Reserved.

ARMED FORCES GRAVES REGISTRATION

801—1.6(35A,35B) Armed forces graves registration. Armed forces graves registration shall be completed as follows.

1.6(1) *Duties of the funeral director.* The funeral director who contracts to inter the deceased veteran shall complete Armed Forces Graves Registration Record, Form 582-1002, in duplicate, forwarding the original and copy to the county commission.

1.6(2) *Duties of the county commission.* The county commission records the information alphabetically, and by description of location in the cemetery where the veteran is buried, in a book prescribed by the commission and kept for that purpose in the office of the county commission. The county commission forwards the original Armed Forces Graves Registration Record to the commandant at the address provided in subrule 1.3(1).

1.6(3) *Where filed.* The original Armed Forces Graves Registration Record is filed at the office of the commandant.

1.6(4) *Forms.* Additional Armed Forces Graves Registration Record forms may be obtained by contacting the commandant's office in accordance with subrule 1.3(1).

This rule is intended to implement Iowa Code sections 35A.5 and 35B.19.

UNIFORM WAIVER RULES

801—1.7(17A,35D) Uniform waiver rule.

1.7(1) To the extent a waiver is consistent with applicable statute, constitutional provision, or other provision of law, the commission or commandant, as applicable, may issue an order, in response to the timely filing of a completed petition, granting a waiver, in whole or in part, from the

requirements of a rule under the jurisdiction of said commission or department, as applicable, as applied to the circumstances of a specified person, if the commission or commandant, as applicable, finds clear and convincing evidence of all four factors set out in Iowa Code section 17A.9A(2). The decision on whether the circumstances justify the granting of a waiver is made at the discretion of the chairperson or the commandant, as applicable, based on the unique, individual circumstances set out in the petition and upon consideration of all relevant factors.

1.7(2) A waiver, if granted, is drafted by the commission to provide the narrowest exception possible to the provisions of the rule. The commission may place any condition on a waiver that the commission finds desirable to protect the public health, safety and welfare. A waiver may not be permanent unless the petitioner shows 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 agency, a waiver may be renewed if the agency finds that all of the factors set out in 801—subrule 4.14(1) remain valid.

1.7(3) The burden of persuasion rests with the person who petitions the commission for the waiver of a rule.

1.7(4) This uniform waiver rule does not preclude the commission from granting waivers in other contexts or on the basis of other standards if the statute or other rules authorize it to do so and the commission deems it appropriate to do so.

801—1.8(17A,35D) Procedures for granting waivers.

1.8(1) Any person may file a petition requesting a waiver, in whole or in part, of a commission or department rule on the grounds that the application of the rule to the particular circumstances of that person justifies a waiver under this uniform waiver rule. The chairperson or commandant, as applicable, receives written petitions.

1.8(2) A petition for a waiver shall include the following information where applicable and known to the person requesting the waiver:

a. The name, address, and case number or state identification number of the entity or person for whom a waiver is requested.

b. A description and citation of the specific rule from which a waiver is requested.

c. The specific waiver requested, including the precise scope and operative period that the waiver will extend.

d. The relevant facts that the petitioner believes would justify a waiver with a signature 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.

e. A history of the commission's action relative to the petitioner.

f. Any information regarding the commission's treatment of similar cases, if known.

g. The name, address, and telephone number of any person inside or outside state government who would be adversely affected by the granting of the petition or who otherwise possesses knowledge of the matter with respect to the waiver request.

h. Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information pertaining to the waiver.

1.8(3) Petitions under this rule will comply with the form, filing, timing, and content requirements of the Iowa Administrative Procedure Act, Iowa Code chapter 17A.

1.8(4) The commission or commandant, as applicable, shall acknowledge a petition upon receipt. The petitioner shall serve 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 served.

1.8(5) Prior to issuing an order granting or denying a waiver request, the commission or commandant, as applicable, may request additional information from the petitioner relative to the application and surrounding circumstances.

1.8(6) An order granting or denying a request for waiver will be in writing and 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 that action is based, and a description of the precise scope

and operative period of the waiver if one is issued. A waiver shall be granted or denied for all or a portion of a rule as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a waiver petition has been filed in a contested case proceeding, the agency shall grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the commission or commandant, as applicable, to grant or deny such a petition within the required time period constitutes a denial of that petition.

1.8(7) Within seven days of its issuance, any order issued under the uniform waiver rule 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.

1.8(8) Subject to the provisions of Iowa Code section 17A.3(1)*"a,"* the commission and commandant, as applicable, shall maintain a record of all orders granting and denying requests for waivers under this uniform waiver rule. The records shall be indexed by rule and available for public inspection.

1.8(9) Within 60 days of granting or denying a waiver, the commission or commandant, as applicable, shall make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, a general summary of the reasons justifying the commission's actions on the waiver requests and, to the extent practicable, detailing the extent to which the granting of a waiver has affected the general applicability of the rule itself and established a precedent for additional waivers.

1.8(10) The provisions of rules 801—1.7(17A,35D) and 801—1.8(17A,35D) do not apply to rules that define the meaning of a statute or other provisions of law or precedent if the commission does not possess delegated authority to bind the courts to any extent with its definition and do not authorize the commission to waive any requirement created or duty imposed by statute.

1.8(11) After the commission issues an order granting a waiver, 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 invoked.

These rules are intended to implement Iowa Code sections 17A.4 and 17A.9A and chapter 35D and Executive Order 11.

FINAL AGENCY ACTION

801—1.9(17A,35,35A) Final agency action. Except as otherwise provided by law or by rule, and to the extent consistent with due process, any decision of the commission or the department affecting the rights, privileges, or entitlements of any person as provided in 801—Chapters 1 through 17 constitutes final agency action. Any person aggrieved by such final agency action may pursue judicial review pursuant to Iowa Code section 17A.19.

These rules are intended to implement Iowa Code chapters 35 and 35A and sections 35B.6, 35B.11, 35D.1, and 35D.17.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 2
"Petitions for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

October 8, 2025 2 p.m.	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking is intended to update the reference to the Uniform Rules on Agency Procedure as well as contact information for petitions for rulemaking and inquiries.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

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

This proposed rulemaking will provide benefits by informing the public regarding the correct address to submit inquiries and petitions for rulemaking.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

This proposed rulemaking concerns contact information for the Department. There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The commission adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to petitions for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission, as applicable.

801—2.1(17A) Petition for rulemaking. In lieu of the words "(designate office)", insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(agency name)", insert either "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable. At the end of this rule, insert "The executive director shall notify the chairperson of the commission that the petition has been filed."

801—2.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "the commandant at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698".

These rules are intended to implement Iowa Code section 17A.7.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 3
"Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

October 8, 2025 2:30 p.m.	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking is intended to update the reference to the Uniform Rules on Agency Procedure as well as contact information for declaratory orders.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

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

By updating the reference to Uniform Administrative Rules on Agency Procedure related to declaratory orders, this proposed rulemaking will allow interested parties to access information in the correct location and address inquiries to the correct official. There are no costs associated with this rulemaking to weigh against the benefits.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There were no alternatives considered.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to declaratory orders, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission as applicable. In lieu of the words "(designate office)" in any uniform rule, insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(designate agency)" in any uniform rule, insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs" as applicable. In lieu of the words "(AGENCY NAME)" in any uniform rule, insert "IOWA COMMISSION OF VETERANS AFFAIRS" or "IOWA DEPARTMENT OF VETERANS AFFAIRS", as applicable.

801—3.1(17A) Petition for declaratory order. At the end of this rule, insert "The commandant shall notify the chairperson of the commission that the petition has been filed."

801—3.2(17A) Notice of petition. In lieu of the words "___ days (15 or less)", insert "15 days".

801—3.3(17A) Intervention.

3.3(1) In lieu of the words "within ___ days", insert "within 15 days". Strike the words "(after time for notice under X.2(17A))".

801—3.5(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "the commandant at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698".

801—3.6(17A) Service and filing of petitions and other papers.

3.6(2) In lieu of the words "(specify office and address)", insert the current address of the department or the commission, as applicable.

3.6(3) In lieu of the words "(uniform rule on contested cases X.12(17A))", insert "Iowa Code section 17A.9(5)".

801—3.8(17A) Action on petition. Replace all uniform rule text with "Action on the petition will be taken in accordance with Iowa Code section 17A.9(5)."

These rules are intended to implement Iowa Code section 17A.9.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 4
"Agency Procedure for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

October 8, 2025 3 p.m.	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking centers on updating the reference to the Uniform Rules on Agency Procedure, and the result of that was moving other rules to 801—Chapter 1 since they cannot be co-located with a chapter that is incorporating uniform procedural rules by reference.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

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

No costs are associated with this proposed rulemaking.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There were no alternatives considered.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to agency procedure for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

801—4.3(17A) Public rulemaking docket.

4.3(2) In lieu of the words "(commission, board, council, director)", insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable.

801—4.4(17A) Notice of proposed rulemaking.

4.4(3) In lieu of the words "(specify time period)", insert "one calendar year".

801—4.5(17A) Public participation.

4.5(1) In lieu of the words "(identify office and address)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

4.5(5) In lieu of the words "(designate office and telephone number)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.6(17A) Regulatory analysis.

4.6(2) In lieu of the words "(designate office)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.11(17A) Concise statement of reasons.

4.11(1) In lieu of the words "(specify office and address)", insert "the office of the commandant. This office is located in Building 3465 at Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824".

801—4.13(17A) Agency rulemaking record.

4.13(2) In lieu of the words "(agency head)", insert "chairperson of the commission of veterans affairs" or "commandant of the Iowa department of veterans affairs", as applicable.

These rules are intended to implement Iowa Code chapter 17A and Executive Order 11.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 6
"Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 21, and 22
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 21, and 22

Public Hearing

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

October 8, 2025 3:30 p.m.	Video call link: meet.google.com/uhs-vqhf-rvz Or dial: 720.500.4559 Conference ID: 117344442

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

To allow the Department to receive requests for access to records as well as conform with current medical terminology, this proposed rulemaking updates contact information and a medical term.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

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

Correctly identifying a medical diagnosis ensures that individuals with that diagnosis will benefit from the safeguards within this proposed rulemaking.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
FAIR INFORMATION PRACTICES

The commission hereby adopts, with the following exceptions and amendments, the Uniform Administrative Rules pertaining to fair information practices that are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website. References to "the agency" within any uniform rule include the department or the commission as applicable. In lieu of the words "(designate office)" in any uniform rule, insert "the office of the commandant. This office is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824". In lieu of the words "(designate agency)" in any uniform rule, insert "Iowa commission of veterans affairs" or "Iowa department of veterans affairs", as applicable. In lieu of the words "(AGENCY NAME)" in any uniform rule, insert "IOWA COMMISSION OF VETERANS AFFAIRS" or "IOWA DEPARTMENT OF VETERANS AFFAIRS", as applicable.

801—6.1(17A,22) Definitions. The commission adopts the definitions in the Uniform Rules with the noted amendments and those additional definitions listed below.

"Agency." In lieu of the words "(official or body issuing these rules)", insert "Iowa commission of veterans affairs".

"Client" means a person who has applied for or receives services or assistance from the agency.

"Custodian" means the agency or person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22. For all commission and department records, including the Iowa Veterans Home records, the custodian is the commandant.

"Legal representative" means a person recognized by law as standing in the place of or representing the interests of another for one or more purposes. For example, guardians, conservators, attorneys, next-of-kin, executors, or administrators for a deceased person are legal representatives for certain purposes.

"Mental health information" means oral, written, or otherwise recorded information that indicates the identity of a person receiving professional services, as defined in Iowa Code section 228.1(9), and that relates to diagnosis, course, or treatment of the person's mental or emotional condition. Mental or emotional conditions include mental illness, intellectual disabilities, degenerative neurological conditions, and any other condition identified in professionally recognized diagnostic manuals for mental disorders.

"Substance abuse information" means information that indicates the identity, diagnosis, prognosis or treatment of any person in an alcohol or drug abuse program.

801—6.3(17A,22) Request for access to records.

6.3(1) *Location of record.* A request for access to a record pertaining to the department or the commission should be addressed to the Commandant, Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824.

6.3(2) *Office hours.* In lieu of the words "(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. daily excluding Saturdays, Sundays and holidays".

6.3(7) *Supervisory fee.* In lieu of the words "(specify time period)", insert "one-half hour".

801—6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "the commission".

801—6.7(17A,22) Consent to disclosure by the subject of a confidential record. At the end of this rule, insert: "No confidential information about clients of the agency may be released without the client's consent, except as provided in rule 801—6.10(17A,22). Release of information includes:

1. Granting access to or allowing the copying of a record,
2. Providing information either in writing or orally, or
3. Acknowledging information to be true or false.

"**6.7(1)** *Forms.*

a. General. Agency forms are to be used for releases by the subject as noted below. However, information may be released with authorization on a form from another source providing that such meets the requirements of law.

b. Obtaining information from a third party. The Iowa Veterans Home is required to obtain information to establish eligibility, provide services and determine charges. Requests to third parties for this information involve release of confidential identifying information about clients. Consent to Release of Information, Form 475-0859, is used for releases by the subject.

c. Disclosure of information to a third party. At the request of the subject, the Iowa Veterans Home releases information to third parties. Form 475-0859, Consent to Release of Information, or Form 475-0700, Release of Condition Information, is used, depending on the nature of the authorization.

d. Mental health and substance abuse information. Mental health or substance abuse information can be released only by completion of the specific authorization section of Form 475-0859 or a similar form from another source that meets the requirements of law.

e. Photographs or videotapes. Form 475-1073, Authorization to Take and Use Photographs/Videotapes, is used for permission to use photographs or videotapes for the purposes specified on the form.

"**6.7(2)** *Exceptions to use of forms.*

a. Counsel. Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person's attorney.

b. Public official. A letter from the subject to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the agency shall be treated as an authorization to release information. The agency shall release sufficient information about the subject to the official to resolve the matter.

c. Medical emergency. Agency staff may authorize release of confidential information to medical personnel in a medical emergency if the subject is unable to give or withhold consent. As soon as possible after the release of information, the subject shall be advised of the release.

d. Abuse information. Consent to release information is not required to report suspected dependent adult abuse.

"**6.7(3)** *Consent by subject's legal representative.*

a. Exercise of right. The subject's rights under this rule may also be exercised by the subject's legal representative, except as provided in paragraph 6.7(3)*"b."*

b. Exceptions.

(1) Scope of authority. Legal representatives may act only within the scope of their authority. For example, court-appointed conservators and protective payees appointed by an agency shall have access to and authority to release the following information only:

1. Name and address of client.
2. Amounts of assistance or type of financial services received.
3. Information about the economic circumstances of the client.

(2) Substance abuse information. Only the subject can consent to the disclosure of substance abuse information, regardless of the subject's age or condition.

(3) Failure to act in good faith. If the agency has reason to believe that the legal representative is not acting in good faith in the best interests of the subject, the agency may refuse to release information on the authorization of the legal representative."

801—6.8(17A,22) Notice to suppliers of information. Replace "(Each agency should revise its forms to provide this information.)" with "The notice shall generally be given at the first contact with the agency and need not be repeated at every following contact. Where appropriate, the notice may be given to a person's legal representative. Notice may be withheld in an emergency. In general, the agency requests information to determine eligibility, to determine changes for services, to provide appropriate services or treatment, and to perform administrative functions. Information is routinely shared outside the agency when required by rules or law. Consequences of failure to provide information include ineligibility for services, denial of services, or provision of inadequate services."

801—6.9(17A,22) Release to subject. The agency shall release confidential records to the subject of the record, except as otherwise noted.

6.9(1) The agency need not release the following records to the subject:

a. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

b. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

c. Peace officers' investigative reports may be withheld from the subject, except as required by the Iowa Code. (More information can be found in Iowa Code section 22.7(5).)

d. The agency may withhold information as otherwise authorized by law.

6.9(2) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

801—6.10(17A,22) Disclosure without consent of the subject. Open records are routinely disclosed without consent of the subject. To the extent allowed by law, disclosure of confidential records may occur without consent of the subject or the subject's legal representative. The custodian of the record shall determine what constitutes legitimate need to use confidential records.

6.10(1) *Internal use.* Confidential information may be disclosed to employees and agents of the agency as needed for the performance of their duties. The custodian of the record shall determine what constitutes legitimate need to use confidential records. People affected by this rule include:

a. Field work or practicum students, participants of work placement programs and volunteers working under the direction of the agency.

b. Commission members.

c. Consultants to the agency.

d. Policy review and advisory committees.

6.10(2) *Medical emergency.* Confidential information may be disclosed in a medical emergency if the subject is unable to give or withhold consent in accordance with paragraph 6.7(2)*"c."*

6.10(3) *Audits.* Information concerning revenues and expenditures is released to staff of the state executive and legislative branch who are responsible for ensuring that public funds have been managed correctly. Information is also released to auditors from federal agencies that provide program funds.

6.10(4) *Accreditation and regulatory surveys.* Information is provided to staff of applicable accreditation, licensure and other applicable agencies in the course of surveys or investigations regarding compliance with regulations and standards.

6.10(5) *Release to court.* Information is released to the court as required by law.

6.10(6) *Research.* Information that does not identify individual clients may be disclosed for research purposes with consent of the custodian responsible for the record. Requests to do research involving records of the Iowa Veterans Home shall be approved by the Iowa Veterans Home Research Review Committee.

6.10(7) *Required by law.* Information is shared with other agencies without a contract or written agreement where state or federal law or regulations require it.

6.10(8) *Imminent harm.* Information may be released to an individual or the police, or both, pursuant to a showing of compelling circumstances affecting the health or safety of a client or any other individual. Notice of disclosure is transmitted to the last-known address of the subject.

6.10(9) *Law violation.* Disclosure of information indicating an apparent violation of the law will be released to appropriate enforcement authorities.

6.10(10) *Specific authorization.* Any disclosure specifically authorized by the statute under which the record was collected or maintained will be made in accordance with the statute.

801—6.11(17A,21,22) Availability of records.

6.11(1) *General.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

6.11(2) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

b. Tax records made available to the agency. (Iowa Code section 422.20)

c. Records that are exempt from disclosure.

d. Minutes of closed meetings of a government body.

e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets.

f. Those portions of agency staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency.

g. Records that constitute attorney work product, attorney-client communications, or that are otherwise privileged. (Iowa Code section 622.10)

h. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of clients or former clients of the commission.

i. Circulation records of the Iowa Veterans Home library.

j. Any other records made confidential by law.

6.11(3) *Authority to release confidential records.* The agency may have discretion to disclose some confidential records that are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute that authorizes limited or discretionary disclosure as provided in rule 801—6.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the record from inspection as provided in subrule 6.4(3).

This rule is intended to implement Iowa Code chapters 17A, 21 and 22.

801—6.12(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 801—6.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are as follows.

6.12(1) *Military graves registration.* These records are collected under the authority of Iowa Code section 35A.5(8). They are maintained in hard copy by the agency, on Iowa Form 582-1002, CPE-94252. Requests for these records should be referred to the commandant.

6.12(2) *World War I, World War II, Korea, Vietnam veterans bonus.* These records are collected under the authority of Iowa Code section 35A.5(4). They are maintained in hard copy by the agency. Requests for these records should be referred to the commandant.

6.12(3) *Iowa war orphans Act bonus applications.* These listings are award applications and bonus payments from the War Orphans Educational Fund and are collected in accordance with Iowa Code section 35A.5(4) and maintained in hard copy format. Requests for these records should be referred to the commandant.

6.12(4) *Iowa Korean War Memorial Fund.* This listing consolidates contributions of all funds received for the Iowa Korean War Memorial authorized by the governor's directive of August 1986. These records are maintained in hard copy format. Requests for these records should be referred to the commandant.

6.12(5) Reserved.

6.12(6) *DD Form 214, Notification of Separation from Service.* This listing provides information to the state on individuals separating from active military service in the armed forces. It is used routinely to establish entitlement by the veteran to county, state and federal benefits, such as hospitalization and educational assistance. Request for verification of service should be addressed to the commandant.

6.12(7) *Iowa Veterans Home client case records.* Iowa Veterans Home client records contain identifying information, demographic information, financial information, clinical assessment and care information and related documentation. Some of this information is maintained on microfilm. Automated data processing associated with Iowa Veterans Home client records include admission and discharge systems, billing systems, client banking system, and selected client data systems. Requests for these records should be referred to the commandant. Legal authority for collection of this information and applicable determinations regarding confidentiality are found in Iowa Code section 22.7 and chapters 35D, 222, 228, and 229. Requests for information from these records should be referred to the commandant.

6.12(8) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

801—6.13(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 801—6.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information, as discussed in rule 801—6.7(17A,22). In addition, the records may contain information about individuals.

6.13(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments or proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

6.13(2) *Iowa commission of veterans affairs meeting records.* Agendas, minutes, and materials deliberated by the commission are available from the commandant. Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by personal identifier nor stored on an automated data processing system.

6.13(3) *Publications.* News releases, literature, and reports regarding the commission, the department, or the Iowa Veterans Home, newsletters from various veterans associations or from the federal government are available from the commandant. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

6.13(4) *Other records.* All other records that are not exempted from disclosure by law are available from the commandant.

801—6.14(17A,22) Data processing system. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

801—6.15(17A,22) Applicability. This chapter does not:

1. Require the agency to index or retrieve records that contain information about a person by that person's name or other personal identifier.

2. Make available to the general public records that would otherwise not be available under the public records law, Iowa Code chapter 22.

3. Govern the maintenance or disclosure of, notification of or access to, records in possession of the agency that are governed by regulations of another agency.

4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.

5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges and applicable regulations of the agency.

These rules are intended to implement Iowa Code chapter 22.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 7
"County Commission of Veteran Affairs Fund and Training Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.5, 35A.16, and 35B.6

State or federal law(s) implemented by the rulemaking: Iowa Code sections 35A.5, 35A.16, and 35B.6

Public Hearing

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

October 28, 2025 2:30 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking explains the requirements that county veterans service officers (VSOs) must meet in order to be in compliance with State law, as well as requirements counties must meet, to receive funding from the State.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Counties bear some of the cost, which is partially reimbursed by the State.

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

Veterans and their families will benefit.

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

- **Quantitative description of impact:**

The Department is unable to determine the quantitative impact at this time.

- **Qualitative description of impact:**

Better-trained VSOs will result in more successful claims for higher amounts.

3. **Costs to the State:**

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

There are no implementation or enforcement costs borne by the Department or any other agency.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

This proposed rulemaking will benefit veterans and their families by mandating that county VSOs achieve and maintain credentials necessary to effectively meet the needs of veterans and their families. This rulemaking also benefits counties by setting forth the requirements that allow them to access State funding.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternative methods that were seriously considered by the Department.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
COUNTY COMMISSION OF VETERAN AFFAIRS FUND AND TRAINING PROGRAM

801—7.1(35A,35B) County commissions of veteran affairs fund.

7.1(1) *Purpose.* The purpose of the county commissions of veteran affairs fund is to assist county commissions of veteran affairs in complying with legislative requirements for employing a county veterans service officer who complies with all directives of the commandant of the Iowa department of veterans affairs regarding the completion of training or certification required for the person's position under applicable state and federal law, maintains an active Personal Identification Verification (PIV) card necessary to access the Veterans Administration's Veterans Benefit Management System, is employed in veterans affairs service for a minimum number of hours, and maintains an office in a location owned or leased by the county.

7.1(2) *County training allocation amounts.* Counties requesting reimbursement from the department in accordance with Iowa Code section 35A.16(4) will make their requests in accordance with state travel policies. Required supporting documentation for eligible expenses shall be submitted during the fiscal year up to the $3,000 annual allocation within 30 days of training completion but no later than June 30 of each fiscal year.

7.1(3) *Allocation report.* Counties shall submit a written report to the department 30 days following the end of the fiscal year in which the allocation was received. The report will include:

a. An assessment of county veteran affairs services, including county population, verification of an office, hours of employment, and number of hours of veterans' services provided by the county veterans service officer.

b. Documentation that the county veterans service officer is performing required duties and maintaining qualifications and credentials pursuant to Iowa Code section 35B.6.

c. A comprehensive summary of county veteran affairs expenditures for the fiscal year in which the allocation was received and the expenditures from the previous fiscal year.

Information provided in this report is used by the department to comply with rule 801—7.3(35A,35B).

7.1(4) *Recovery of funds.* The department is the entity charged with the recovery of county commissions of veteran affairs fund allocations from counties under the following circumstances.

a. Unauthorized use. Counties expending a portion of the allocation on items that do not provide services to veterans pursuant to Iowa Code section 35B.6 will be required to return the unauthorized funds to the state of Iowa.

b. Maintenance of effort. Counties not maintaining their previous fiscal year's spending levels will be considered to have supplanted county funding with state allocation funds. Counties not complying with their maintenance of effort will be required to return the supplanted portion to the state of Iowa pursuant to Iowa Code section 35A.16(3).

c. Noncompliance. Counties that are not in compliance with the requirements of Iowa Code section 35B.6 on June 30 of each fiscal year will be required to return all moneys received during that fiscal year to the county commissions of veteran affairs fund pursuant to Iowa Code section 35A.16(3). Counties that are deemed noncompliant due to the termination or resignation of an employee are not required to return the state allocation if an employee is hired within two months of the previous employee's separation.

801—7.2(35A,35B) County commission of veteran affairs training program. The department provides training for county veterans service officers in accordance with Iowa Code section 35A.5(6).

7.2(1) County veterans service officers shall do the following within one year of appointment or will be subject to removal from office as provided for in Iowa Code section 35B.6(1)*"c"*:

a. Obtain and maintain all certifications that are federally required and provide documentation to the department.

b. Complete training as directed by the commandant of the Iowa department of veterans affairs.

c. Obtain and maintain a PIV card from the United States Department of Veterans Affairs as well as access to the Veterans Benefits Management System and provide the department with documentation. Upon request from a county commission of veteran affairs and based on extenuating circumstances, the commandant may extend the time frame for a veteran service officer to obtain a PIV card prior to being subject to removal from office. The decision of the commandant is final.

Counties shall submit to the department annually by July 30 all documentation required by this rule.

7.2(2) County veterans service officers shall maintain the following on an annual basis or will be subject to removal from office as provided for in Iowa Code section 35B.6(1)*"c"*:

a. Maintain all certifications that are federally required and annually provide documentation to the department.

b. Comply with all directives of the commandant of the Iowa department of veterans affairs regarding the completion of training or certification required for the person's position under applicable state and federal law.

c. Maintain a PIV card from the United States Department of Veterans Affairs as well as access to the Veterans Benefits Management System and provide the department with documentation.

Counties shall submit to the department annually by July 30 all documentation required by this section.

7.2(3) County veterans service officers who fail to comply with subrules 7.2(1) and 7.2(2) shall be removed from their positions. Knowing violation of this provision constitutes noncompliance as provided in paragraph 7.1(4)*"c."*

7.2(4) The annual school of instruction and all associated training materials will be provided at the expense of the department and attendees will not be charged for participation in the training.

7.2(5) Travel, meals, lodging, and miscellaneous expenses incurred while attending the annual school of instruction required by subrules 7.2(1) and 7.2(2) are the responsibility of the respective county.

7.2(6) Any cost of initial training, accreditation, and continuing training that uses state funds shall follow the department's travel policy. The department's travel policy overrides county-specific travel policies.

7.2(7) The department shall maintain documentation regarding any school of instruction required by subrules 7.2(1) and 7.2(2), including but not limited to agendas, presentation dates, attendees, certificate of satisfactory completion of accreditation or continuing education training, and the issuance of certificates of training.

7.2(8) Inquiries regarding an annual school of instruction may be directed to the commandant or designee.

7.2(9) Disputes regarding the annual school of instruction, certificates of training, and related matters are reviewed by the commandant, who will render a decision within ten days of receipt of all relevant facts and supporting materials. The decision of the commandant is final.

801—7.3(35A,35B) Report to the general assembly. To assist the department to prepare its annual report required by Iowa Code section 35A.5(14), each county commission of veteran affairs shall provide information required in Iowa Code section 35A.5(14)*"a"* through *"c."* The department will provide each county executive director or administrator with a form to return to the department by July 30 of each year.

These rules are intended to implement Iowa Code chapters 35A and 35B.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 8
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 35, and 35A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 35, and 35A

Public Hearing

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

October 28, 2025 3 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking is to outline the procedure for entities or individuals that disagree with an Iowa Commission of Veterans Affairs (Commission) or Department decision and would like to appeal it.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

There are no implementation or enforcement costs borne by the Department or any other agency.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

This proposed rulemaking will provide a benefit by establishing procedures to contest a Department or Commission decision.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternative methods that were seriously considered by the Department.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CONTESTED CASES

801—8.1(17A,35) Scope and applicability. This chapter applies to decisions by the commission or the department, as applicable, which, notwithstanding rule 801—1.9(17A,35,35A), become the subject of contested case proceedings as required by law or by rule. As used in this chapter, "agency" means either the commission or the department, as applicable.

801—8.2(17A,35) Definitions.

"Aggrieved party" means any agency, organization or individual that alleges the agency's, organization's or individual's rights have been denied by action of the commission or commandant.

"Proposed decision" means the recommended findings of fact, conclusions of law, decision and order in a contested case in which the commission did not preside.

801—8.3(17A,35) Complaint procedure.

8.3(1) *Complaints relating to the Iowa Veterans Home.* Applicants or members of the Iowa Veterans Home must first exhaust the appeal process set out in rules 801—10.45(35A,35D) and 801—10.46(35A,35D), respectively.

8.3(2) *Content of complaints.* Complaints to the agency should state the name and address of the aggrieved party, identify the specific agency action that is disputed, the issues in dispute, and request a hearing, if applicable.

8.3(3) *Review of complaints.* The chairperson or commandant, as applicable, will review the complaint to determine if the issue is within the scope of the agency.

8.3(4) *Transmittal of complaints.* Within 15 calendar days of receipt of a request for hearing, the chairperson or commandant, as applicable, will transfer the request to the department of inspections, appeals, and licensing (DIAL) pursuant to rules 481—10.3(10A) and 481—10.4(10A) and notify the aggrieved party of this transmittal. DIAL will provide the hearing in accordance with rules promulgated by that department in 481—Chapter 10.

8.3(5) *Appeals.*

a. Parties have 30 calendar days from the mailing date of the decision by DIAL to appeal the decision to the agency. If no appeal is filed, the hearing decision becomes final 30 days from the date of decision.

b. Appeals to the agency are filed at the location identified in 801—subrule 1.2(1) or 1.3(1), as applicable.

c. On appeal, the agency will permit each party to file exceptions, present briefs and, with the consent of the agency, present oral arguments. The agency shall establish a deadline for submission of the written exceptions, briefs, and requests for continuance and shall notify the parties of the deadline.

d. The agency has authority to fully and fairly develop the record and may inquire into the matters at issue and shall receive in evidence the testimony of witnesses and any documents that are relevant and material.

e. The agency will base its decision on the evidence contained in the record made before DIAL and may permit the parties to submit new evidence at DIAL's discretion upon a showing of why the new evidence was not reasonably available at the original hearing.

f. Request for continuance shall be made in writing and the reasons for the request shall be stated. The request shall be filed with the agency at the address given in 801—subrule 1.2(1) or 1.3(1), as applicable.

g. The agency's decision on appeal is effective immediately unless otherwise specified in the decision.

8.3(6) *Judicial review.* A party who seeks judicial review shall first exhaust all administrative remedies as follows:

a. A party shall appeal the decision of the administrative law judge as provided in subrule 8.3(5) and receive a decision from the agency as provided in this subrule.

b. Petition for judicial review of the agency's decision shall be filed within 30 calendar days after the decision is issued.

These rules are intended to implement Iowa Code chapters 17A, 35, and 35A.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 9
"War Orphans Educational Assistance Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.14
State or federal law(s) implemented by the rulemaking: Iowa Code section 35A.14

Public Hearing

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

October 28, 2025 1:30 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 9 with no replacement.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

There are no anticipated implementation or enforcement costs.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

Chapter 9 was originally written to implement the War Orphan Educational Assistance Fund authorized by Iowa Code section 35.7. Iowa Code section 35.7 has since been repealed because the legal authority for this fund moved to Iowa Code section 35A.14(9), which makes Chapter 9 outdated.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **801—Chapter 9**.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 11
"Injured Veterans Grant Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.14
State or federal law(s) implemented by the rulemaking: Iowa Code section 35A.14

Public Hearing

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

October 28, 2025 2 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking provides the amounts for grants paid by the Department under the Injured Veterans Grant Program and the criteria for eligibility. This rulemaking also explains the application process and the requirements for applying.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

Injured veterans and their families will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

The Department is unable to quantify the quantitative impact at this time.

- **Qualitative description of impact:**

There may be an increase in applications (and grants awarded) by allowing the application to be submitted on a veteran's behalf.

3. **Costs to the State:**

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

Costs of the grants awarded and administrative costs will be borne by the Department.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

The benefits to injured veterans and their families exceed the potential cost.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

No alternatives were seriously considered by the Department.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
INJURED VETERANS GRANT PROGRAM

801—11.1(35A) Grant amounts and eligibility.

11.1(1) Grants paid by the department pursuant to Iowa Code section 35A.14 are paid in increments of $2,500, up to a maximum of $10,000.

11.1(2) An initial grant of $2,500 is payable to an eligible veteran who sustains an injury in the line of duty and, because of such injury, is either:

a. Medically evacuated from an operational theater to a military hospital for treatment; or

b. Hospitalized at a military hospital for at least 30 consecutive days.

11.1(3) After an initial grant is paid, subsequent grant payments of $2,500 are payable at 30-, 60-, and 90-day intervals thereafter if the veteran remains hospitalized or continues to receive medical care or rehabilitation services authorized by the military. Qualifying treatment or services must be provided in a location that is not the veteran's home of record.

11.1(4) A veteran remains eligible for the grant after discharge from the military so long as the veteran remains hospitalized or continues to receive medical treatment or rehabilitation services for the qualifying injury or illness.

801—11.2(35A) Application.

11.2(1) To receive an initial grant payment under this chapter, a veteran must submit an application to the department that includes documentation establishing either Iowa residency or eligibility as a nonresident pursuant to Iowa Code section 35A.14(1). A veteran must also submit reasonably reliable documentation establishing eligibility, such as but not limited to:

a. Military identification card;

b. Relevant military orders;

c. DD Form 214, if discharged.

11.2(2) To receive a subsequent, incremental grant payment under this chapter, a veteran must submit additional documentation establishing continued qualifying hospitalization, medical care, or rehabilitation services for the injury.

11.2(3) An application for an initial or subsequent incremental grant payment under this chapter will be submitted by the veteran. If the veteran is incapacitated due to the injury, however, the application may be submitted on the veteran's behalf by a close family member, such as a spouse or parent, or by an appropriate power of attorney. Grants payable under this chapter are paid only to the legal custody of the veteran.

11.2(4) A veteran may receive assistance in the application process by contacting the department office at 515.252.4698 or 800.838.4692.

11.2(5) For any qualifying injury sustained on or after January 1, 2027, the department must receive an initial application within two years of the date of injury.

11.2(6) Upon receiving an application for an initial or subsequent incremental grant, the department will, within 30 days, inform the applicant in writing that the application has been approved or denied or requires additional documentation establishing eligibility.

These rules are intended to implement Iowa Code section 35A.14.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 13
"Vietnam Conflict Veterans Bonus"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 35A

Public Hearing

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

October 28, 2025 4 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 13 with no replacement.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

There are no anticipated implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues associated with this proposed rulemaking.

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

The bonus included in the rules no longer exists in the Iowa Code.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **801—Chapter 13**.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 16
"Limited Residency Vietnam Conflict Veterans Bonus"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 35A

Public Hearing

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

October 28, 2025 4:30 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking is to rescind Chapter 16 with no replacement.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

No costs are associated with this proposed rulemaking.

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

No additional benefits or detriments are associated with this proposed rulemaking.

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

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

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

There are no anticipated implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues associated with this proposed rulemaking.

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

Chapter 16 was intended to implement Iowa Code section 35A.8A regarding a bonus for Vietnam conflict veterans, but Iowa Code section 35A.8A has since been repealed.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

There are no alternatives.

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

Not applicable.

Small Business Impact

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

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

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **801—Chapter 16**.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 48
"Definitions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 84A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 84A

Public Hearing

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

October 7, 2025 9:30 a.m.	Microsoft Teams Meeting ID: 276 533 632 652 0 Passcode: fT2oG6oD Dial in by phone +1 469.998.6043 Phone conference ID: 799 171 69#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Workforce Development Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Purpose and Summary

The purpose of this proposed chapter is to define terms used in the Department's rules.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Not applicable.

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

Not applicable.

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

- **Quantitative description of impact:**

There is no quantitative impact.

- **Qualitative description of impact:**

There is no qualitative impact.

3. **Costs to the State:**

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

There is no cost to the State.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Not applicable.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 871—Chapter 48:

CHAPTER 48
DEFINITIONS

871—48.1(84A,84B) Definitions.

"CFR" means Code of Federal Regulations.

"Chief elected official" means designated representative of the units of local government joining through a 28E agreement, pursuant to section 107(c)(1)(B) of the federal Workforce Innovation and Opportunity Act (WOIA), for the purpose of sharing liability and responsibility in accordance with Title I of the WIOA. The chief elected official is the chair of the county board of supervisors or a designee from within the county board of supervisors for each county.

"Department" means the department of workforce development, which has been designated as the state workforce agency on behalf of the governor.

This rule is intended to implement Iowa Code chapter 84.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 49
"Employment and Training Services Divisions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 84A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 84A

Public Hearing

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

October 7, 2025 10 a.m.	Microsoft Teams Meeting ID: 223 165 732 506 0 Passcode: Nu3pP9C6 Dial in by phone +1 469.998.6043 Phone conference ID: 951 889 764#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Workforce Development Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Purpose and Summary

The purpose of these proposed rules is to inform the public of the mission and structure of the Employment and Training Division of the Department.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Not applicable.

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

Not applicable.

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

- **Quantitative description of impact:**

There is no quantitative impact.

- **Qualitative description of impact:**

There is no qualitative impact.

3. **Costs to the State:**

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

There is no cost to the State.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Not applicable.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 871—Chapter 49:

CHAPTER 49
EMPLOYMENT AND TRAINING SERVICES DIVISIONS

871—49.1(84A,84B) Mission and organization.

49.1(1) *Mission.* The employment and training services divisions work is to provide reemployment services to Iowa job seekers and employers through various federal and state workforce programs.

49.1(2) *Operation and administration.* Divisions are under the direction of a division administrator who reports to the deputy director. The division administrators direct and lead the work of their respective divisions.

871—49.2(84A,84B) Complaint process. The Workforce Innovation Opportunity Act (WIOA) complaint process for all complaints and grievances filed by participants and other interested persons affected by the statewide WIOA Title I programs will be accessible on the Iowa workforce development website.

These rules are intended to implement Iowa Code chapter 84A.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 53
"Iowa Workforce Investment Act Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 84A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202; Iowa Code section 84A.1; Iowa Code chapter 96; and Executive Order 11

Public Hearing

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

October 7, 2025
9 a.m.

Microsoft Teams
Meeting ID: 221 234 437 878 3
Passcode: yG7WS6NU
Dial in by phone +1 469.998.6043
Phone conference ID: 909 268 967#

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Iowa Workforce Development Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to remove outdated references from the Iowa Administrative Code.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

The general public and stakeholders will bear the costs.

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

The general public and stakeholders will benefit.

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

- **Quantitative description of impact:**

There are none.

- **Qualitative description of impact:**

There are none.

3. **Costs to the State:**

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

There are none.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Not applicable.

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

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **871—Chapter 53**.

ARC 9540C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to organization and providing an opportunity for public comment

The Economic Development Authority (Authority) hereby proposes to rescind Chapter 1, "Organization," Iowa Administrative Code, and to adopt a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 15.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 15.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 1 and adopt a new chapter in lieu thereof. The chapter describes the organization of the Authority and its Board. The new chapter eliminates language that is duplicative of statutory language and eliminates other unnecessary and inconsistent language.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on June 25, 2025. A public hearing was held on the following date(s):

- July 15, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on October 9, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

October 7, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
October 9, 2025 2 to 2:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION

261—1.1(15) Definitions. As used in these rules, unless the context otherwise requires:

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Authority's website" means the information and related content found at opportunityiowa.gov and may include integrated content at affiliate sites.

"Board" means the same as defined in Iowa Code section 15.102(4).

"Committee" means a committee established by the board and includes any standing committees established by rule or ad hoc committees established pursuant to Iowa Code section 15.105(12).

"Director" means the same as defined in Iowa Code section 15.102(8).

261—1.2(15) Economic development authority board.

1.2(1) *Meetings.*

a. The board generally meets monthly at the authority's offices. By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority's website.

b. The chairperson may exclude any person disrupting the proceedings.

1.2(2) *Board treasurer.* The accounting director for the authority or the accounting director's designee serves as the treasurer to the board. The treasurer shall attend audit entrance and exit interviews conducted by the auditor of state and shall report the results of such audits to the board.

1.2(3) *Committees.*

a. A due diligence committee is established to assist the board in making awards of incentives and assistance under the authority's programs.

(1) The due diligence committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee and the terms of committee members will be established annually by the board.

(2) The members of the due diligence committee will elect members to serve as chairperson and vice chairperson. The chairperson may appoint members of the due diligence committee to serve on a due diligence subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the due diligence committee.

(3) The duties of the due diligence committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority.

(4) A majority of committee members constitutes a quorum.

b. Technology commercialization committee.

(1) The technology commercialization committee is established pursuant to Iowa Code section 15.116. The membership and size of the committee and the terms of committee members will be established by the board.

(2) The director will appoint a member to serve as chairperson. The chairperson may appoint members of the technology commercialization committee to serve on a technology commercialization subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the technology commercialization committee.

(3) The duties of the technology commercialization committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority to the extent such programs relate to the areas and industry sectors identified in Iowa Code section 15.116.

(4) A majority of committee members constitutes a quorum.

c. The director may appoint ad hoc committees to serve in an advisory capacity to the authority whenever the director deems them necessary to accomplish the work of the authority. The size of such committees and the terms of committee members will be established by the director. Such committees may be dissolved as deemed appropriate by the director, and other committees may from time to time be established for specific purposes.

261—1.3(15) Authority structure.

1.3(1) *General.* The authority's organizational structure consists of the board, the director and such divisions as the director may from time to time create.

1.3(2) *Chief designee.* The director may designate an employee to administer the authority in the director's absence. Such employee may bear the title of deputy director, chief operating officer, chief of staff, or other similar title as long as the director has executed an instrument clearly delegating the director's authority to that employee.

1.3(3) *Signature authority.* The director may authorize one or more employees to execute and deliver on behalf of the authority any agreement, document, or instrument as such employee may deem necessary or appropriate to implement and carry out the intent and purpose of any statute or administrative rule by which the authority is bound other than those statutes or administrative rules requiring a person holding a specified office to sign, if any, as long as the director has executed an instrument clearly delegating such authority to such employee or employees.

261—1.4(15) Information. The general public may obtain information about the Iowa economic development authority by contacting the authority at its offices located at 1963 Bell Avenue, Des Moines, Iowa 50315; by telephone at 515.348.6200; or through the authority's website.

These rules are intended to implement Iowa Code chapter 15.

ARC 9541C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to Iowa community development block grant program and providing an opportunity for public comment

The Economic Development Authority (Authority) hereby proposes to rescind Chapter 23, "Iowa Community Development Block Grant Program," Iowa Administrative Code, and to adopt a new Chapter 23 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.108 and 24 CFR Part 570.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 23 and adopt a new chapter in lieu thereof. The chapter describes the procedures by which the Authority administers and awards Community Development Block Grant funds. The new chapter eliminates unnecessary and inconsistent language.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on June 25, 2025. A public hearing was held on the following date(s):

- July 15, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on October 9, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315

Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

October 7, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
October 9, 2025 2 to 2:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23
IOWA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

261—23.1(15) Purpose. The primary purpose of the community development block grant program is the development of viable communities by providing decent housing and suitable living environments and expanding economic opportunities, primarily for persons of low and moderate income.

261—23.2(15) Definitions. When used in this chapter, unless the context otherwise requires:

"Annual action plan" means the annual plan required and approved by HUD that outlines the state's processes and procedures for distribution of CDBG funds. The annual action plan is available on the authority's website.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Authority's website" means the information and related content found at opportunityiowa.gov and may include integrated content at affiliate sites.

"CDBG" means community development block grant.

"Citizen participation plan" means the plan required and approved by HUD that describes the state's process for including citizen participation in development of its consolidated plan and annual action plan. The citizen participation plan is available on the authority's website.

"Consolidated plan" means the five-year plan required and approved by HUD that establishes goals and objectives for the state's CDBG program. The consolidated plan is available on the authority's website.

"HUD" means the U.S. Department of Housing and Urban Development.

"Management guide" means the administrative reference manual published by the authority for each program year. The management guide is available on the authority's website.

"Program year" means the annual period beginning January 1 and ending December 31.

"Recipient" means a local government entity awarded CDBG funds under any CDBG program.

261—23.3(15) Annual action plan. The authority will prepare a CDBG annual action plan for submittal to and approval by HUD. The plan will provide a description of the activities and programs that will take place during the year to meet goals established in the consolidated plan.

23.3(1) The authority will follow the state's citizen participation plan during the development of the annual action plan. A draft annual action plan will be available on the authority's website for 30 days for public review and comment. The authority will hold a public hearing during the comment period to collect public input on the plan prior to its submittal to HUD.

23.3(2) The annual action plan will include the proposed CDBG program funding allocation.

261—23.4(15) Allocation of funds. Upon approval by HUD, the authority will allocate CDBG funds among programs or activities described in the state's most recent annual action plan, which may include but not be limited to the following:

1. Housing assistance.
2. Water and sewer improvements.
3. Community facilities improvements.
4. Opportunities and threats fund.
5. Neighborhood revitalization activities.

261—23.5(15) Requirements for funding. Applications for funds under any of the program-allocated funds pursuant to rule 261—23.4(15) shall meet the minimum criteria described in subrules 23.5(1) through 23.5(3).

23.5(1) Proposed activities shall be eligible, as authorized by Title I, Section 105, of the Housing and Community Development Act of 1974 as amended and as further defined in 24 CFR Part 570. References in this subrule are to the laws as in effect [effective date of this rulemaking].

23.5(2) Proposed activities shall address at least one of the following three objectives:

a. Primarily benefit low- and moderate-income persons. To address this objective, 51 percent or more persons benefiting from a proposed activity must have incomes at or below 80 percent of the area median income as defined by HUD.

b. Aid in the prevention or elimination of slums and blight. To address this objective, the application must document the extent or seriousness of deterioration in the area to be assisted, showing a clear adverse effect on the well-being of the area or community and illustrating that the proposed activity will alleviate or eliminate the conditions causing the deterioration.

c. Meet an urgent community development need. To address this objective, the applicant must certify that the proposed activity is designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community and that are recent in origin or that recently became urgent, that the applicant is unable to finance the activity without CDBG assistance and that other sources of funding are not available.

23.5(3) Applicants shall certify their compliance with federal requirements applicable to the CDBG program.

261—23.6(15) Award and administration. The authority may negotiate award amounts, terms and conditions prior to making any award under the program. A management guide detailing the instructions for administration of awards will be updated periodically by the authority and will be available on the authority's website.

These rules are intended to implement Iowa Code section 15.108(1)*"a"* and 24 CFR Part 570.

ARC 9543C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to broadband forward and telecommuter forward certifications and providing an opportunity for public comment

The Economic Development Authority (Authority) hereby proposes to rescind Chapter 24, "Broadband Forward and Telecommuter Forward Certifications," Iowa Administrative Code, and to adopt a new Chapter 24 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 15.106A and 15E.167.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15E.167.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 24 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Broadband Forward and Telecommuter Forward Certification program administered pursuant to Iowa Code section 15E.167. The updated chapter will be more concise throughout. Language that duplicates statute will be omitted.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025. A public hearing was held on the following date(s):

- August 5, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on October 9, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200

Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

October 7, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
October 9, 2025 2 to 2:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 24 and adopt the following **new** chapter in lieu thereof:

CHAPTER 24
BROADBAND FORWARD AND TELECOMMUTER FORWARD CERTIFICATIONS

261—24.1(15E) Definitions.

"Applicant" means a political subdivision that submits an application to the authority for a broadband forward certification or telecommuter forward certification.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Broadband" means the same as defined in Iowa Code section 8.76.

"Broadband infrastructure" means the same as defined in Iowa Code section 8.76.

"Certification" means a certificate issued to a political subdivision pursuant to this chapter.

"Political subdivision" means the same as defined in Iowa Code section 15E.167.

"Program" means the broadband forward and telecommuter forward certification program established pursuant to Iowa Code section 15E.167 and this chapter.

261—24.2(15E) Application, review, and approval.

24.2(1) *Application.* The authority will develop a standardized application process and make information on applying available on the authority's website at www.opportunityiowa.gov. To apply for certification under the program, a political subdivision shall submit an application to the authority in the form and manner prescribed by the authority. A political subdivision may apply for broadband forward certification and telecommuter forward certification concurrently.

24.2(2) *Review.* The authority will review each complete application to determine whether an applicant meets the criteria for certification.

24.2(3) *Approval.* The authority may approve, deny or defer applications for certification. If the authority approves an application for certification, the authority will issue a broadband forward or telecommuter forward certificate and assist the political subdivision in publicizing its certification.

261—24.3(15E) Broadband forward certification.

24.3(1) To obtain broadband forward certification, a political subdivision shall submit to the authority an application that meets the criteria in Iowa Code section 15E.167(3).

24.3(2) A political subdivision applying for certification shall designate a single point of contact with the responsibilities described in Iowa Code section 15E.167(4).

24.3(3) The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to develop broadband infrastructure and access to broadband will have a sufficient impact that warrants certification.

261—24.4(15E) Telecommuter forward certification.

24.4(1) A political subdivision that meets the criteria for broadband forward certification may apply for telecommuter forward certification. To obtain telecommuter forward certification, a political subdivision shall submit to the authority an application that meets the criteria in Iowa Code section 15E.167(6).

24.4(2) A political subdivision applying for certification shall designate a single point of contact designated with the responsibilities described in Iowa Code section 15E.167(7).

24.4(3) The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to further develop and promote the availability of telecommuting will have a sufficient impact that warrants certification.

261—24.5(15E) Maintenance of certification.

24.5(1) *Reports.* A political subdivision certified pursuant to this chapter shall submit an annual report to the authority verifying its continued eligibility for certification pursuant to Iowa Code section 15E.167. If applicable, the report will also address a political subdivision's compliance with the restrictions in Iowa Code section 15E.167(5).

24.5(2) *Revocation of certification.* The authority shall revoke the certification of a political subdivision that does not comply with the requirements of Iowa Code section 15E.167 or that the authority otherwise determines is no longer eligible for certification pursuant to this chapter.

These rules are intended to implement Iowa Code section 15E.167.

ARC 9544C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to employee stock ownership plan formation assistance and providing an opportunity for public comment

The Economic Development Authority (Authority) hereby proposes to rescind Chapter 56, "Employee Stock Ownership Plan (ESOP) Formation Assistance," Iowa Administrative Code, and to adopt a new Chapter 56 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2013 Iowa Acts, House File 648, section 9.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 56 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the ESOP Formation Assistance program established pursuant to 2013 Iowa Acts, House File 648, section 9. The updated chapter will be clearer and more concise throughout.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025. A public hearing was held on the following date(s):

- August 5, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on October 9, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

October 7, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
October 9, 2025 2 to 2:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 261—Chapter 56 and adopt the following **new** chapter in lieu thereof:

CHAPTER 56
EMPLOYEE STOCK OWNERSHIP PLAN (ESOP) FORMATION ASSISTANCE

261—56.1(85GA,HF648) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Agreement" means a contract for financial assistance under the program describing the terms on which the financial assistance is to be provided.

"Applicant" means a business applying for assistance under the program.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Business" means a corporation eligible to become a qualified Iowa ESOP.

"Director" means the director of the authority.

"Financial assistance" means a payment made by the authority to an applicant approved for funding under the program.

"Program" means the ESOP formation assistance program established pursuant to this chapter.

"Qualified Iowa ESOP" means an employee stock ownership plan, as defined in Section 4975(e)(7) of the Internal Revenue Code as in effect on [effective date of this rulemaking], and trust that are established by an Iowa corporation for the benefit of the employees of the corporation.

261—56.2(85GA,HF648) Program eligibility, application, and funding decisions.

56.2(1) *Program eligibility.* To be eligible under the program, an applicant shall meet all of the following requirements:

a. The business is interested in establishing an ESOP.

b. The business is, or documents intent to become, an Internal Revenue Service (IRS) subchapter C or subchapter S corporation.

c. The business has a valuation that is sufficient to make an ESOP feasible. A business with valuation less than $5 million is generally not considered a feasible candidate for an ESOP.

d. The business has a number of employees, eligible employee types, and a total payroll that are sufficient to make an ESOP feasible. A business with fewer than 25 full-time, permanent employees is generally not considered a feasible candidate for an ESOP.

e. The applicant shall have a cash flow level sufficient to make an ESOP feasible. A business with cash flow less than $500,000 is generally not considered a feasible candidate for an ESOP.

f. The business is not a business engaged in the business of sale at retail of tangible personal property or taxable services in this state or online. "Sale at retail" means the same as defined in Iowa Code section 423.1(46). Any business obligated to collect sales or use tax under Iowa Code chapter 423 may be ineligible pursuant to this paragraph.

g. The business is not a publicly traded company.

h. The business has not completed a feasibility study for purposes of exploring formation of a qualified Iowa ESOP in the three years prior to application for the program.

56.2(2) *Application.* The authority will accept applications for the program on a rolling basis. Information on submitting an application is available on the authority's website.

56.2(3) *Application scoring.* The authority may engage outside experts for assistance in evaluating the applications as needed. An applicant may be required to interview with authority staff or outside experts engaged by the authority. Authority staff will score applications based on the extent to which an applicant is a feasible candidate to form a qualified Iowa ESOP. The authority will keep records of the scoring process and make those records available to applicants.

56.2(4) *Funding decisions.* The director will make the final funding decision on each application, taking into consideration the score and the funding recommendation of authority staff. The director will not approve funding for an application that receives an average score of less than 50 points.

56.2(5) *Amount of assistance.* An applicant to the program may be approved for financial assistance in an amount equal to 50 percent of the cost incurred for obtaining a feasibility study conducted by an independent financial professional. The total amount of financial assistance provided to an applicant will not exceed $25,000.

261—56.3(85GA,HF648) Contract and disbursement.

56.3(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the authority to establish the terms on which the financial assistance is to be provided.

56.3(2) The authority may reimburse a business for up to 25 percent of the cost of a feasibility study upon completion of the feasibility study. The authority may reimburse a business for up to 25 percent of the cost of a feasibility study upon formation of a qualified Iowa ESOP. The business must document the costs incurred and completion of all necessary transactions to the satisfaction of the authority prior to disbursement. Costs incurred prior to approval of financial assistance will not be eligible for reimbursement.

These rules are intended to implement 2013 Iowa Acts, House File 648, section 9.

ARC 9539C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rulemaking related to fees and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 30, "Fees," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455B.133(8)"a"(2), 455B.133B, and 455B.133C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 455B.133 and 455B.133B through 455B.134 and the federal Clean Air Act (42 U.S.C. §7401, et seq.).

Purpose and Summary

The proposed rulemaking amends Chapter 30 to increase the fee caps (the maximum amount that can be assessed for specific air quality fees), to add a new Title V annual base fee, and to add a new fee for revisions to asbestos notifications. The increase to the fee caps will provide sustainable funding to cover program expenses, and the new fees will distribute the costs more equitably to those businesses actively using Department of Natural Resources services. All fees directly support the air quality program, which exists to prevent, abate, and control air pollution in the State of Iowa. Fees received by the Department are deposited in one of two funds. The Air Contaminant Fund (Iowa Code section 455B.133B) was established to receive emissions and operating permit fees. The Air Quality Fund (Iowa Code section 455B.133C) was established to receive construction permit and asbestos notification fees.

Item 1 amends rule 567—30.3(455B) to add a new asbestos demolition or renovation notification fee for revisions to initial notifications. Paragraph 30.3(2)"d" currently states that the Department does not require fees for revised, canceled, and courtesy notifications. Paragraph 30.3(2)"d" is proposed to be stricken since it is no longer needed.

Item 2 amends rule 567—30.4(455B) to strike a redundant reference to the dollar cap on the fee amount that is also listed in subrule 30.6(2). Additionally, a Title V annual base fee is proposed in new subrule 30.4(3). Only one annual base fee will be assessed for municipalities, universities, and facilities that have requested that a permit be divided into more than one permit for administrative purposes.

Item 3 amends subrule 30.6(2) to increase the fee caps on all fee types based on the recommendations received from industrial stakeholders. Item 3 also adds fee cap amounts for the new fees for revisions to asbestos notifications and the Title V annual base fee.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 14, 2025. A public hearing was held on the following date(s):

- June 3, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2025. Written comments should be directed to:

Wendy Walker
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: wendy.walker@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at wendy.walker@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al wendy.walker@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the public hearing should contact Wendy Walker at wendy.walker@dnr.iowa.gov or by phone at 515.250.7534. The public hearing information will be provided through the air quality e-newsletter (GovDelivery) and on the air quality public input website (iowadnr.gov/airpublicinput). Persons who wish to make comments at the public hearing must submit a request to Ms. Walker prior to the hearing to facilitate an orderly hearing.

October 20, 2025	Virtual Meeting (via Google Meets or Zoom)
10 a.m.	A meeting registration link will be provided prior to the hearing

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

Any persons who intend to participate in the hearing and have special requirements, such as those related to hearing or vision impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at wendy.walker@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.7534 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al wendy.walker@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.7534 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 567—30.3(455B) as follows:

567—30.3(455B) Fees associated with asbestos demolition or renovation notification.

30.3(1) *Payment of fees established.* The owner or operator of a site subject to the national emission standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567—paragraph 23.1(3)*"a,"* shall submit a fee with each required original, each revised, or each annual notification for each demolition or renovation, including abatement. Fees shall be paid as specified in the fee schedule approved by the commission and posted on the department's website. Fees shall be submitted with the notification forms provided by the department.

30.3(2) *Fee not required.* A fee shall not be required for the following:

a. Notifications when the total amount of asbestos to be removed or disturbed is less than 260 linear feet, less than 160 square feet, and less than 35 cubic feet of facility components and is below the reporting thresholds as defined in 40 CFR 61.145 as amended on January 16, 1991;

b. Notifications of training fires as required in 567—paragraph 23.2(3)*"g"*;

c. Controlled burning of demolished buildings as required in ~~567—paragraph 23.2(3)*"j"*;~~ 567—paragraph 23.2(3)*"j."*

~~*d. Revised, canceled, and courtesy notifications. A revision to a previously submitted courtesy notification due to applicability of the notification requirements in 567—paragraph 23.1(3)"a" is considered an original notification and is subject to the fee requirements of 30.3(1).*~~

ITEM 2. Amend rule 567—30.4(455B) as follows:

567—30.4(455B) Fees associated with Title V operating permits.

30.4(1) *Payment of Title V application fee.* Each owner or operator required to apply for a Title V permit, or a renewal of a Title V permit, shall pay fees as specified in the fee schedule approved by the commission and posted on the department's website. Fees shall be submitted with forms supplied by the department.

30.4(2) *Payment of Title V annual emissions fee.*

a. Fee required. Any person required to obtain a Title V permit shall pay an annual fee based on the first 4,000 tons of each regulated air pollutant and shall be paid on or before July 1 of each year. The Title V emissions fee shall be based on actual emissions required to be included in the Title V operating

permit application and the annual emissions statement for the previous calendar year. ~~The commission shall not set the fee higher than $70 per ton without adopting the change pursuant to formal rulemaking.~~

b. to *e.* No change.

30.4(3) *Payment of Title V annual base fee.*

a. Fee required. Any person required to obtain a Title V permit shall pay an annual base fee as specified in the fee schedule approved by the commission and posted on the department's website. The fee shall be paid on or before July 1 of each year and shall be submitted with forms or through the electronic submittal method specified by the department.

b. The following sources will be required to pay only one Title V annual base fee on or before July 1 of each year: municipalities, universities, and Title V facilities that have requested that their Title V permit be split into more than one permit for administrative purposes.

ITEM 3. Amend subrule 30.6(2) as follows:

30.6(2) *Fee types and dollar caps on fee types.* The commission may set fees for the fee types and activities specified in this subrule and shall not set a fee in the fee schedule higher than the levels specified in this subrule without adopting the change pursuant to formal rulemaking:

a. New source review applications from major sources, which may include:

(1) Review of each application for a construction permit, including air quality modeling review: ~~$115~~ $165 per hour;

(2) Review of each application for a prevention of significant deterioration permit: ~~$115~~ $165 per hour;

(3) Review of each plantwide applicability limit request, renewal, or reopening: ~~$115~~ $165 per hour; and

(4) Review of each regulatory applicability determination: ~~$115~~ $165 per hour~~; and~~.

~~(5) Air quality modeling review: $90 per hour.~~

b. New source review applications from minor sources, which may include:

(1) Each application for a construction permit: ~~$385~~ $1,200;

(2) Each application for a registration permit: ~~$100~~ $500;

(3) Each application for a permit by rule: ~~$100~~ $500; and

(4) Each application for a permit template: ~~$100~~ $500.

c. Asbestos notifications~~: $100.~~, which may include:

(1) Each initial or annual asbestos notification: $175; and

(2) Each revised asbestos notification: $100.

d. Review of each initial or renewal Title V operating permit application: ~~$100~~ $145 per hour.

e. Title V annual emissions: ~~$70~~ $98 per ton.

f. Title V annual base fee: $7,800.

ARC 9551C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to enrollment and reenrollment and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 76, "Enrollment and Reenrollment," Iowa Administrative Code, and to adopt a new Chapter 76 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 514I and 249A and 42 CFR 435 and 457.

Purpose and Summary

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. The proposed chapter specifies the process for enrolling and reenrolling in the Iowa Medical Assistance or "Medicaid" program and addresses related matters. Eligible individuals must be enrolled for the date on which services are provided in order for payment to be made for the services received.

Initial enrollment must be based on an application submitted to the Department (including for hawki benefits), an application from the Federally Facilitated Marketplace (FFM), an express lane eligibility determination, a Supplemental Security Income (SSI) eligibility determination, a transmittal from the federal Social Security Administration for Medicare savings programs, or a presumptive eligibility determination as described in rules 441—76.2(249A) through 441—76.7(249A).

In addition to the elimination of restrictive terms and language duplicative of the Iowa Code or federal regulations, this proposed rulemaking implements changes necessitated by the federal Patient Protection and Affordable Care Act of 2010.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Victoria Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: victoria.daniels@hhs.iowa.gov

Public Hearing

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

October 7, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7
October 7, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 285 028 257 610 6 Passcode: 9tN9Cg9p

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 441—Chapter 76 and adopt the following **new** chapter in lieu thereof:

CHAPTER 76
ENROLLMENT AND REENROLLMENT

441—76.1(249A) Definitions. The following definitions apply to this chapter in addition to the definitions in rule 441—75.1(249A).

"Act" or *"the Act"* means the federal Social Security Act, and all references herein are as amended to August 1, 2025.

"Authorized representative" means an individual or organization authorized by a competent applicant or member, authorized by a responsible person acting for an incompetent applicant or member pursuant to subrule 76.9(2), or with other legal authority to represent the applicant or member in the application process, the review of eligibility and other ongoing communications with the department.

"Business hours" or *"HHS business hours"* means the hours between 8 a.m. and 4:30 p.m. Central Time during a weekday (Monday through Friday), excluding public holidays.

"Code of Federal Regulations" or *"CFR"* means the United States Code of Federal Regulations. All references to the CFR herein are as amended to August 1, 2025, unless another effective date is specified.

"Electronic account" means a web-based account established by the department for an applicant or member for communication between the department and the applicant member.

"Electronic case record" means an electronic file that includes all information collected and generated by the department regarding each individual's Medicaid eligibility and enrollment.

"Federally Facilitated Marketplace" or *"FFM"* means the health insurance marketplace established by the United States Secretary of Health and Human Services for states that choose not to set up their own marketplace or that do not get approval for one pursuant to 42 U.S.C. §18041.

"Federally Facilitated Marketplace referral" or *"FFM referral"* means an application submitted at healthcare.gov that requests help paying for health insurance. These applications are screened by the FFM and, if found to be potentially eligible for Iowa Medicaid or hawki, are transmitted via an electronic data file to the department for a final Medicaid/hawki determination.

"Health insurance marketplace" means a health insurance marketplace established pursuant to 42 U.S.C. §18031.

"Medicare savings program" refers to the limited Medicaid coverage groups that provide payment of Medicare premiums, coinsurance, and deductibles for low-income elderly or disabled individuals. Those groups are:

1. Qualified disabled and working people (QDWP) pursuant to 42 U.S.C. §1396a(a)(10)(E)(ii);
2. Qualified Medicare beneficiaries (QMB) pursuant to 42 U.S.C. §1396a(a)(10)(E)(i);
3. Specified low-income Medicare beneficiaries (SLMB) pursuant to 42 U.S.C. §1396a(a)(10)(E)(iii); and
4. Expanded specified low-income Medicare beneficiaries (ESLMB) pursuant to 42 U.S.C. §1396a(a)(10)(E)(iv).

"Presumptive provider" means an organization approved by the department to conduct and authorize presumptive eligibility determinations as described in subrule 76.7(1).

"Qualified entity" means an individual, under the supervision and authority of a presumptive provider, approved by the department to conduct and authorize presumptive eligibility determinations.

"Responsible person" means an individual recognized by the department pursuant to subrule 76.9(1) as acting for an applicant or member who is unable to act on the applicant's or member's own behalf because the applicant or member is a minor or is incompetent, incapacitated, or deceased.

"SSA" means the federal Social Security Administration.

"Supplemental Security Income" or *"SSI"* is a federally administered program established by Title XVI of the Social Security Act to provide supplemental income to individuals who have attained the age of 65 or are blind or disabled.

"United States Code" or *"U.S.C."* means the general and permanent laws of the United States. All references to U.S.C. herein are as amended to August 1, 2025, unless another effective date is specified.

"WIC" is the Special Supplemental Nutrition Program for Women, Infants, and Children established pursuant to 42 U.S.C. §1786.

441—76.2(249A) Application for medical assistance. This rule describes the process of applying for medical assistance from the department. Applications for Medicaid must be made as provided in this rule.

76.2(1) *Application with the department or qualified entity.*

a. Who can file. An application may be filed by:

(1) The applicant;

(2) An adult in the applicant's household, as described in 42 CFR §435.603(f), or family, as described in 26 CFR §1.36B-1(d), including:

1. A spouse as defined in rule 441—75.1(249A);
2. A parent of an applicant child, as defined in rule 441—75.1(249A), including either parent of an unborn child;
3. A caretaker of an applicant child, when the caretaker meets the requirements of rules 441—75.1(249A) and 441—75.51(249A); or
4. A tax-filer who claims the applicant as a dependent;

(3) An authorized representative described in subrule 76.9(2); or

(4) A responsible person described in subrule 76.9(1).

b. How and where to file.

(1) An application may be filed online on the department's website or www.healthcare.gov; at any local HHS office; or at any HHS outstation at a disproportionate share hospital, federally qualified health center in Iowa, or other facility in Iowa where outstationing activities are provided. Applications may be submitted in person, by mail, by telephone at 1.855.889.7985, or by email or fax to a local HHS office. Addresses, email addresses, and fax numbers of local HHS offices are available on the department's website.

(2) An application may also be filed at the office of a qualified entity pursuant to subrule 76.7(2), a WIC office, a maternal health clinic, or a well-child clinic.

c. Form. Applications for Medicaid, including Medicaid applications for foster care and subsidized adoption, may be submitted on forms prescribed by the department.

d. Minimum application requirements. Initial applications must contain a legible name and address and must be signed under penalty of perjury, pursuant to 42 CFR §435.907(f). At least one person listed in paragraph 76.2(1)*"a"* must sign the application. Electronic (including telephonically recorded) signatures and handwritten signatures (transmitted via any electronic means) are acceptable. An application that does not include a legible name, address, and signature under penalty of perjury will not be considered a valid application and will be rejected without a determination of eligibility.

76.2(2) *Date of filing.*

a. An application is considered filed on the date a valid application is received in any place of filing specified in paragraph 76.2(1)*"b."*

b. Reserved.

c. The date of filing and effective date for applications received by a qualified entity for purposes of a presumptive Medicaid eligibility determination are further described in subrule 76.7(5).

d. The department will honor the application date of any application filed at the FFM that is subsequently transmitted to the department for an eligibility determination as described in rule 441—76.3(249A).

76.2(3) *Decision.* The department will notify the applicant of the eligibility decision pursuant to 441—Chapter 16.

441—76.3(249A) Referrals from the FFM. Upon receipt of an FFM referral indicating that an application has been screened and that the applicant has been found to be potentially eligible for Medicaid or hawki, the department will treat the application as if it had been received directly by the department pursuant to rule 441—76.2(249A).

441—76.4(249A) Express lane eligibility. For purposes of the initial enrollment of a child in medical assistance, the department will use express lane procedures as allowed by 42 U.S.C. §1396a(e)(13) and as described in this rule.

76.4(1) For purposes of initial enrollment, the department will rely on a determination of the child's eligibility for the Supplemental Nutrition Assistance Program (SNAP) pursuant to 441—Chapter 65 as establishing that a child under the age of 19 meets all eligibility requirements established in 441—subrule 75.3(2) except for citizenship or alienage requirements unless:

a. The child's household already includes other persons receiving Medicaid based on the use of the modified adjusted gross income (MAGI) methodology, or

b. The child was previously granted express lane eligibility and the household has not had at least a two-month break in SNAP eligibility since that time.

76.4(2) To obtain express lane enrollment for a child, the child's household must request medical assistance for the child on forms prescribed by the department. The department will send forms to the household when a child eligible for express lane enrollment is approved for SNAP pursuant to 441—Chapter 65. An adult member of the child's household or a child receiving SNAP benefits as head of household must sign the form and return it to the department within 30 calendar days of issuance.

76.4(3) As a condition of express lane enrollment, the child must meet the citizenship or alienage requirements of rule 441—75.11(249A).

76.4(4) The month of application for express lane enrollment is the month of the child's SNAP effective date. Express lane eligibility begins on the first day of the month of the child's SNAP effective date.

76.4(5) After the initial express lane enrollment, all redeterminations of medical assistance eligibility will be made without reliance on any SNAP eligibility determination.

76.4(6) Retroactive enrollment is available pursuant to subrule 76.13(3) for any of the three months before the month of the child's SNAP effective date. The retroactive eligibility determination must be made without regard to SNAP eligibility.

441—76.5(249A) Enrollment through SSI. Upon receipt of a referral from the SSA indicating that an individual has been approved for SSI, the department will treat the referral as an application for medical assistance and will process the application as if received directly by the department. The SSI recipient

may be required to provide additional information when necessary to determine Medicaid eligibility. The SSI recipient may be required to attend an interview to clarify information.

441—76.6(249A) Referral for Medicare savings program. Referrals received from the SSA pursuant to 42 U.S.C. §1320b-14(c)(3) when the individual has indicated that the individual wants to apply for the Medicare savings program will be treated by the department as an application for the Medicare savings program and will be processed as if the application were received directly by the department. The date of the individual's application with SSA will be the application date for benefits under the Medicare savings program. When requested to do so, the applicant must complete a Medicare Savings Programs Additional Information Request form to provide additional information needed to determine Medicare savings program eligibility.

441—76.7(249A) Presumptive eligibility. Persons may be temporarily and immediately enrolled in Medicaid based on a presumptive eligibility determination by a qualified entity at a presumptive provider pursuant to this rule.

76.7(1) *Presumptive provider.* A presumptive provider is an organization approved by the department to conduct and authorize presumptive eligibility determinations. A provider organization that seeks to be authorized to make presumptive Medicaid eligibility determinations shall do all of the following:

a. Complete the required self-directed policy and system training.

b. Apply to the department using the Application for Initial/Recertification to Be a Presumptive Provider form.

c. Read the Memorandum of Understanding with a Presumptive Provider for Presumptive Medicaid Eligibility Determinations form and agree in writing to its terms.

d. Comply with the requirements outlined in Iowa's Medicaid state plan.

e. Meet the definition of "qualified provider" pursuant to 42 U.S.C. §1396r-1.

f. Meet the definition of "qualified entity" in the following federal regulations for the category of persons covered:

(1) For children under the age of 19, as described in 42 CFR §435.118, the provider must meet the requirements of paragraphs (1) through (10) of the definition of "qualified entity" in 42 CFR §435.1101;

(2) For pregnant women, as described in 42 CFR §435.116, the provider must meet the requirements of 42 U.S.C. §1396r-1(b)(2);

(3) For parents and caretakers, as described in 42 CFR §435.110, the provider must meet the requirements in 42 CFR §435.1103(b);

(4) For persons aged 19 through 64, as described in 42 CFR § 435.119, the provider must meet the requirements in 42 CFR §435.1103(b);

(5) For former foster care children, as described in 42 CFR §435.150, the provider must meet the requirements in 42 CFR §435.1103(b);

(6) For persons needing breast or cervical cancer treatment (BCCT), as described in 42 U.S.C. §1396r-1b(b)(2); and

(7) For all of the categories of persons covered in subparagraphs 76.7(1)*"f"*(1) through *"f"*(6), a qualifying hospital must meet the requirements in 42 CFR §435.1110(b).

g. Be recertified annually by doing the following:

(1) Complete the required self-directed policy and system training;

(2) Complete the Application for Initial/Recertification to Be a Presumptive Provider form; and

(3) Re-attest to the terms of the Provider Memorandum of Understanding by signing in writing.

76.7(2) *Qualified entity.*

a. An individual that seeks to be authorized to make presumptive Medicaid eligibility determinations under the supervision and authority of a presumptive provider shall do all of the following:

(1) Complete the required self-directed policy and system training.

(2) Complete the Qualified Entity Medicaid Presumptive Eligibility Portal (MPEP) Access Request.

(3) Read the Provider Memorandum of Understanding and agree in writing to its terms.

(4) Obtain confirmation of acceptance by the department that the individual is determined by the department to be capable of making presumptive Medicaid eligibility determinations.

b. In addition to the requirements in paragraph 76.7(2)*"a,"* a qualified entity for BCCT must also have either:

(1) Been named lead agency for a county or regional local breast and cervical cancer early detection program under a contract with the department; or

(2) A cooperative agreement with the department under the Centers for Disease Control and Prevention National Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act as amended to August 1, 2025, to receive reimbursement for providing breast or cervical cancer screening or diagnostic services to participants in the care for yourself breast and cervical cancer early detection program.

c. Only employees of the presumptive provider may be given the authority to make presumptive eligibility determinations.

d. Qualified entities are required to be recertified annually by doing the following:

(1) Complete the required self-directed policy and system training;

(2) Complete the Qualified Entity Medicaid Presumptive Eligibility Portal Recertification form; and

(3) Re-attest to the terms of the Provider Memorandum of Understanding in writing.

76.7(3) *How and where to file.* An applicant for presumptive Medicaid shall complete an application with a qualified entity in one of two ways:

a. Provide information in person to the qualified entity that enters the applicant's information into the MPEP system; or

b. Complete a paper application provided by the qualified entity that enters the applicant's information into the MPEP system.

76.7(4) *Signature.* An individual listed in paragraph 76.2(1)*"a"* must sign the completed paper application or a printed version of the completed MPEP application. A copy of the signed application must be maintained by the qualified entity.

76.7(5) *Date of filing and effective date of coverage.*

a. For purposes of determining the application date of filing for an ongoing eligibility determination, a paper application is valid only if it contains the applicant's legible name, address, and signature under penalty of perjury and must be date-stamped on the date it is received by the qualified entity. The date of filing as described in paragraph 76.2(2)*"a"* is used for purposes of determining the effective date of coverage for ongoing eligibility but does not determine the effective date of coverage for presumptive Medicaid.

b. The effective date of coverage for presumptive Medicaid is the date on which a qualified entity completes the presumptive eligibility determination within the MPEP system.

c. The applicant must provide to the qualified entity all information necessary to make a presumptive eligibility determination in the MPEP system.

76.7(6) *Notice and appeal rights.* The qualified entity shall inform the applicant of the eligibility decision as soon as possible but no later than two working days after the date the determination is made by the qualified entity. Timely and adequate notice requirements and appeal rights of the Medicaid program, including those outlined in 42 CFR Part 431, subpart E; Iowa Code chapter 17A; 441—Chapter 7; and 441—Chapter 16, do not apply to determinations of presumptive eligibility under this rule.

76.7(7) *Full medical assistance eligibility determination.* All presumptive eligibility applications will be given the option within the MPEP system to also receive a full determination of eligibility for Medicaid or hawki.

441—76.8(249A) Applicant and member responsibilities.

76.8(1) *Accurate information.* Clients, and those individuals acting on behalf of clients, are responsible for giving complete and accurate information needed to establish eligibility.

76.8(2) *Additional information or verification needed to determine eligibility.* An applicant or member will not be required to provide additional verifications if attested income meets the department's standards for reasonable compatibility and if the department can verify all other required information through an EDS. If attested income does not meet the department's standards for reasonable compatibility or if the department is not able to verify other required information through an EDS, the department will send the applicant or member a written request for the additional information or verification. The applicant or member must provide the additional information or verification by the requested due date or such application may be denied or Medicaid or hawki benefits may be discontinued.

76.8(3) *Time frames for providing information or verification.* Clients have ten calendar days from the date on the written request by the department to provide additional information or verification requested. If the tenth calendar day falls on a weekend or state holiday, the individual will have until the end of business hours on the next business day to provide the information or verification. The information or verification is considered provided on the date it is received by the department.

76.8(4) *Extensions.* The applicant or member may request an extension for a reasonable period of time when the applicant or member is making every effort but is unable to secure the required information or verification.

76.8(5) *Interviews.* Applicants and members who are being evaluated on the basis of the MAGI methodology will not be required to attend an interview. Applicants and members who are being evaluated on a basis other than the MAGI methodology may be required to attend an interview to clarify information or to resolve conflicting information. The department will not require an in-person interview as part of the application process.

76.8(6) *Failure to comply.* An application will be denied or assistance will be discontinued if:

a. The applicant or member does not attend a required interview, pursuant to subrule 76.8(5), or

b. The department does not receive one of the following by the due date indicated on the written request for additional information in accordance with subrules 76.8(2) through 76.8(4):

(1) The information, verification, or a statement that reasonably explains the discrepancy;

(2) An authorization for the department to obtain the information or verification; or

(3) A request for an extension of the due date.

441—76.9(249A) Responsible persons and authorized representatives.

76.9(1) *Responsible person.* If an applicant or member is unable to act on the applicant's or member's own behalf because the applicant or member is a minor or is incompetent, incapacitated, or deceased, a responsible person may act for the applicant or member.

a. Except as provided in paragraph 76.9(1)*"d,"* when the applicant or member is incompetent, incapacitated, or deceased, the responsible person shall be a family member, friend or other person who has knowledge of the applicant's or member's financial affairs and circumstances and has a personal interest in the applicant's or member's welfare.

b. Except as provided in paragraph 76.9(1)*"d,"* when the applicant or member is unable to act on the applicant's or member's own behalf solely because the applicant or member is a minor, the responsible person shall be an adult in the child's household or family as described in paragraph 76.2(1)*"a."*

c. The responsible person shall assume the applicant's or member's position and responsibilities during the application process or for ongoing eligibility. The responsible person may designate an authorized representative pursuant to subrule 76.9(2) to represent the applicant or member. However, the designation of an authorized representative does not relieve the responsible person from assuming the applicant's or member's position and responsibilities during the application process or for ongoing eligibility.

d. When there is no person as described in paragraphs 79.6(1)*"a"* through *"c"* to act on behalf of the minor, incompetent, incapacitated, or deceased applicant or member, any individual or organization may be allowed to act as the responsible person if the individual or organization conducts a diligent search and completes the required form, attesting to the individual's or organization's inability to find a

responsible person to act on behalf of the minor, incompetent, incapacitated, or deceased applicant or member.

e. The department may require verification of the applicant's or member's incompetence or death and of the responsible person's relationship to the applicant or member.

f. Copies of all correspondence the department would otherwise provide to the applicant or member will be provided to the recognized responsible person.

76.9(2) *Authorized representative.*

a. An individual or organization designated by a competent applicant or member, or by a responsible person recognized pursuant to subrule 76.9(1), or with other legal authority to do so may act on behalf of the applicant or member in the application process, in the review process, or for ongoing eligibility.

b. The designation of an authorized representative by an applicant, member, or responsible person must be in writing and must be signed and dated by the applicant, member, or responsible person. The applicant, member, or responsible person may authorize the representative to complete and sign an application on the applicant's or member's behalf, complete and submit a review form, receive copies of the applicant's or member's notices and other communications from the department, and act on behalf of the applicant or member in all other matters with the department.

c. Legal documentation of authority to act on behalf of the applicant or member under state law, such as a court order establishing legal guardianship or a power of attorney, shall serve in place of a written authorization by the applicant or member.

d. Designations of authorized representatives, legal documentation of authority to act on behalf of the applicant or member, and modifications or terminations of designations or legal authority may be submitted via the department's website, mail, email, or fax or in person.

e. For purposes of this rule, the department will accept electronic, including telephonically recorded, signatures and handwritten signatures (including when transmitted by fax or other electronic means).

f. If the authorization:

(1) Indicates the time period or dates the authorization is to cover, the stated period or dates will be honored until or unless a rescission is submitted to the department as described in subparagraph 76.9(2)*"f"*(2) and may include subsequent applications, if necessary, that relate to the time period or dates indicated on the authorization.

(2) Does not indicate the time period or dates it is to cover, the authorization will be valid until the applicant, member, or responsible person modifies the authorization and notifies the department that the representative is no longer authorized to act on behalf of the applicant or member or until the authorized representative informs the department that the representative no longer is acting in such capacity. Such notice must be in writing and should include the signature of the applicant, member, responsible person, or authorized representative, as appropriate.

g. Copies of all correspondence will be provided to the applicant or member and the authorized representative.

76.9(3) *Additional requirements applicable to all authorized representatives and responsible persons.*

a. An authorized representative or responsible person must agree to maintain, or be legally bound to maintain, the confidentiality of any information regarding an applicant or member provided by the department.

b. A provider or staff member or volunteer of an organization serving as an authorized representative or responsible person must sign an agreement that the provider, staff member, or volunteer will adhere to the regulations in 42 CFR Part 431, Subpart F; 45 CFR §155.260(f) (relating to confidentiality of information); and 42 CFR §447.10 (relating to the prohibition against reassignment of provider claims as appropriate for a health facility or an organization acting on the facility's behalf), as well as other relevant state and federal laws concerning conflicts of interest and confidentiality of information.

c. The authorized representative or responsible person is responsible for fulfilling all responsibilities encompassed within the scope of the authorized representation to the same extent as the individual the authorized representative or responsible person represents.

441—76.10(249A) Right to withdraw the application. The applicant may withdraw the application at any time before the eligibility determination has been made. The applicant may request that the application be withdrawn entirely or request withdrawal for any month covered by the application process except as provided in the medically needy program in accordance with the provisions of rule 441—75.8(249A).

441—76.11(249A) Choice of electronic notifications. The applicant is responsible to indicate whether notices and other communications are to be provided by the department in an electronic format through the individual's electronic account rather than by regular mail. The applicant may change the selection at any time. Notices and other communications provided through the individual's electronic account are deemed to be received upon the sending of an email to the individual notifying the individual of the notice or other communication.

441—76.12(249A) Application not required.

76.12(1) *Adding a new person.*

a. Adding an eligible person. For members whose eligibility is based on the MAGI methodology, a new application is not required when an eligible person is added to an existing Medicaid household. Such a person is considered to be included in the application that established eligibility for the existing household. However, in these instances, the date of application to add a person is the date the change is reported. When it is reported that a person is anticipated to enter the home, the date of application to add the person shall be no earlier than the date the person begins to live in the household or the date of report, whichever is later.

b. Adding a person previously ineligible due to a failure to cooperate. In those instances where a person previously ineligible for Medicaid for failure to cooperate in obtaining medical support or establishing liability for support as described in 441—subrule 75.14(2) is to be granted Medicaid benefits, the earliest month for which that person may be eligible for coverage is the month that the person takes action(s) to meet the cooperation requirements described in 441—subrule 75.14(1) and as determined by child support services.

c. Adding a person previously ineligible due to failure to provide a social security number. In those instances where a person previously ineligible for Medicaid for failure to provide a social security number or proof of application for a social security number as described in rule 441—75.9(249A) is to be granted Medicaid benefits, the person will be granted Medicaid benefits effective the first of the month in which the person becomes eligible by providing a social security number.

76.12(2) *Loss of hawki eligibility.* In those instances where a child loses hawki eligibility and has been determined eligible for Medicaid, with no break in coverage, an application for Medicaid is not required.

76.12(3) *Grace period.*

a. At application. If benefits are denied for failure to provide requested information or verification and the information or verification is provided within 14 calendar days of the effective date of the denial, the department will complete the eligibility determination as though the information were timely received. If the fourteenth calendar day falls on a weekend or state holiday, the applicant shall have until the end of business hours on the next business day to provide the information. The grace period does not apply to late payment of premiums or noncooperation actions.

b. At reinstatement after cancellation (including cancellation at the time of reenrollment). Eligibility for Medicaid may be reinstated without a new application when all information necessary to establish eligibility, including verification of any changes, is provided within 14 calendar days of the effective date of the cancellation. If the fourteenth calendar day falls on a weekend or state holiday, the member shall have until the end of business hours on the next business day to provide the information. The grace period does not apply to late payment of premiums or noncooperation actions.

441—76.13(249A) Initial enrollment.

76.13(1) *Enrollment date.* The department will enroll applicants who have been determined to be eligible in the Medicaid program.

a. First day of the month. The effective date of enrollment is the first day of the month that the application was filed or the first day of the first month for which eligibility has been determined, whichever is later, with the following exceptions:

(1) Presumptive eligibility is effective on the date that presumptive eligibility was determined by a qualified entity for presumptive Medicaid eligibility determinations pursuant to subrule 76.7(5).

(2) Eligibility under the qualified Medicare beneficiary coverage group described in 441—paragraph 75.6(5)*"a"* begins on the first day of the month after the month of decision.

(3) For individuals who are approved for Medicaid and who are eligible for SSI, programs related to SSI, or state supplementary assistance, Medicaid benefits will be effective on the first day of the month for which the individual meets all eligibility requirements, including resource eligibility, as of the first moment of the first day of the month.

(4) The enrollment date for retroactive Medicaid eligibility is determined pursuant to subrule 76.13(3).

b. Care or services prior to enrollment. No payment will be made for medical care or services received prior to the effective date of enrollment.

76.13(2) *Certification for services.* The department will issue a medical assistance eligibility card to persons who have been determined to be eligible for the benefits provided under the Medicaid program, with the following exceptions.

a. Presumptive eligibility. A person who has been determined only presumptively eligible will be issued a Presumptive Medicaid Eligibility Notice of Action form that will include certification information.

b. Emergency Medicaid for noncitizens. An individual who is eligible only for limited emergency Medicaid for noncitizens pursuant to 441—subrule 75.11(4) will be issued a Notice of Action that will include certification information.

76.13(3) *Retroactive enrollment.* Medical assistance will be available for all or any of the three months preceding the month in which an application is filed to persons who meet the requirements described within this subrule.

a. Except as provided in paragraph 76.13(3)*"e,"* retroactive medical assistance will be available for the months a person was pregnant, an infant (under the age of 1), a child under 19 years of age, or a resident of a nursing facility licensed under Iowa Code chapter 135C during any of the three months preceding the month in which an application is filed and who also meets the following conditions:

(1) Has medical bills for covered care or services received during the three-month retroactive period; and

(2) Would have been eligible for medical assistance in the month services were received if the application for medical assistance had been made in that month.

b. The applicant need not be eligible in the month of application to be eligible in any of the three months prior to the month of application.

c. Retroactive medical assistance will be made available when an application has been made on behalf of a deceased person if the conditions in paragraph 76.13(3)*"a"* are met.

d. Persons enrolled in Medicaid based on receipt of SSI benefits who wish to apply for Medicaid benefits for the three months preceding the month of application shall complete a form provided by the department.

e. Exceptions to retroactive enrollment. This subrule does not apply to the following persons who are otherwise eligible for retroactive enrollment:

(1) Persons whose citizenship status has not been verified even if they are eligible during a 90-day reasonable opportunity period.

(2) Persons determined eligible only under presumptive Medicaid benefits.

(3) Persons eligible for Medicaid only under the qualified Medicare beneficiary program.

(4) Persons eligible only under the home- and community-based waiver services program.

441—76.14(249A) Reenrollment. The department will review all conditions of eligibility for the purpose of determining continued enrollment in Medicaid pursuant to 441—Chapter 75.

76.14(1) *Reenrollment frequency.*

a. The department will conduct eligibility reviews for members whose eligibility is based on the MAGI methodology once every 12 months and no more frequently than once every 12 months, except as provided by rule 441—76.15(249A) and paragraph 76.14(1)*"b."*

b. The department will conduct eligibility reviews for the following coverage groups as circumstances indicate but no more frequently than once every 12 months:

(1) Transitional Medicaid as described in 441—subrule 75.3(6).

(2) Medicaid for former foster care youth (EMIYA) as described in 441—subrule 75.3(12).

(3) Postpartum Medicaid as described in 441—subrule 75.3(4).

c. The department will conduct eligibility reviews for members whose eligibility is based on non-MAGI methodology once every 12 months and no more frequently than once every 12 months, except as provided in rule 441—76.15(249A) and paragraph 76.14(1)*"b."*

76.14(2) *Reenrollment process.*

a. Reenrollment procedure. Reenrollment will be based on reliable information contained in the member's electronic case record or other more current information available to the department, including but not limited to information through EDS. If the department is able to renew eligibility based on such information, the department must notify the individual of the eligibility determination and the basis of that determination. If any information in that notification form is inaccurate, the member must inform the department through any of the modes permitted for submission of an application under paragraph 76.2(1)*"b"* within 30 days.

b. Members whose eligibility for Medicaid is based on the MAGI methodology. If eligibility cannot be determined based on information in the member's electronic case record or other more current information available to the department, including but not limited to information through EDS, the member will be provided with a prepopulated review form and will have at least 30 days from the date the review form is mailed to complete necessary information, sign, and return the completed review form.

c. Members whose eligibility for Medicaid is in non-MAGI related coverage groups. If eligibility cannot be determined based on information in the member's electronic case record or other more current information available to the department, including but not limited to information through EDS, the member will be provided with a prepopulated review form and will have at least 30 days from the date the review form is mailed to complete necessary information, sign, and return the completed review form.

d. Failure to reenroll. Enrollment will end when information or documentation necessary to complete the determination of continued eligibility pursuant to subrules 76.8(2) through 76.8(4) is not returned before the end of the enrollment period. The department will notify the member of the disenrollment pursuant to 441—Chapter 16. Individuals whose eligibility ends must reapply unless the individual satisfies the requirements of subrule 76.12(3) or paragraph 76.14(2)*"e."*

e. Reconsideration period.

(1) For all coverage groups, except those specified in subparagraph 76.14(2)*"e"*(2), the department will reconsider the eligibility of an individual who is terminated for failure to submit the applicable review form as described in paragraph 76.14(2)*"b"* or *"c"* or for failure to provide necessary information in a timely manner and without requiring an application if the individual subsequently submits a review form within 90 days after the effective date of termination. The department will also reconsider eligibility as described in this subparagraph if the member provides an application form. If the ninetieth calendar day falls on a weekend or state holiday, the member shall have until the end of business hours on the next business day to provide the review form. The eligibility effective date will go back to the first day of the first month of ineligibility only if all other eligibility criteria are met for that month. Eligibility for subsequent months within the reconsideration period can still be determined even if the applicant remains ineligible for the initial reconsideration month(s), but eligibility will not be granted any earlier than the month in which all eligibility criteria are met.

(2) For qualified Medicare beneficiaries (QMB), the provisions in subparagraph 76.14(2)*"e"*(1) apply, except that the review form as described at lettered paragraph 76.14(2)*"b"* or *"c"* will be acted upon and treated like an application and the eligibility effective date will be determined pursuant to subparagraph 76.13(1)*"a"*(2).

f. Interview required. An individual whose eligibility is not based on the MAGI methodology may be required to attend an interview to clarify information or to resolve conflicting information. The department will not require an in-person interview as part of the process.

441—76.15(249A) Report of changes. As a continuing condition of enrollment for Medicaid, applicants and current members shall report changes in circumstances as required in this rule.

76.15(1) A change in circumstance that may affect the eligibility of applicants and members must be reported within ten days of the date the change occurred. Changes required to be reported are described in this subrule.

a. In coverage groups for which Medicaid eligibility is determined using the MAGI methodology, any change in the following must be reported:

(1) Income from all sources.
(2) Members of the household.
(3) School attendance.
(4) Mailing or living address.
(5) Receipt of a social security number.
(6) Health insurance premiums or coverage.
(7) Alien or citizenship status.
(8) Federal income tax filing status or claimed dependents for federal tax purposes.

b. In coverage groups for which Medicaid eligibility is not determined using the MAGI methodology, any change in the following must be reported.

EXCEPTION: Persons actually receiving SSI benefits are exempted from these reporting requirements unless the persons have a trust or are applying for or are receiving home- and community-based waiver services.

(1) Income from all sources.
(2) Resources.
(3) Members of the household.
(4) Recovery from disability.
(5) Mailing or living address.
(6) Health insurance premiums or coverage.
(7) Medicare premiums or coverage.
(8) Receipt of social security number.
(9) Gross income of the community spouse or of the dependent children, parents, or siblings of the institutionalized or community spouse who are living with a community spouse when a diversion is made to the community spouse or family, as those terms are defined in rule 441—75.1(249A).
(10) Income and resources of parents and spouses when income and resources are used in determining Medicaid eligibility, client participation, or spenddown.
(11) Residence in a medical institution for other than respite care for more than 15 days for home- and community-based waiver services recipients.

c. Individuals in the breast and cervical cancer coverage group are required to report changes in their health insurance coverage and changes in their living or mailing address.

d. Individuals receiving Medicaid based on the receipt of Title IV-E-funded foster care, based on an adoption assistance agreement, or based on a guardianship assistance agreement are required to report changes in health insurance coverage, when their living or mailing address changes, upon receipt of a social security number, and upon termination of the adoption assistance agreement.

e. Individuals receiving state-only funded Medicaid are required to report any change in the following:

(1) Income from all sources.

(2) Mailing or living address.
(3) Receipt of a social security number.
(4) Health insurance coverage.
(5) Alien or citizenship status.

76.15(2) Failure to report. When a change is not reported as required by this rule, any Medicaid expenditures for care or services provided when the member was not eligible will be considered overpayments and subject to recovery from the member.

441—76.16(249A) Action on information received. When a change in circumstance is reported, or when a change in a member's circumstances otherwise comes to the attention of the department, its effect on eligibility will be evaluated and eligibility will be redetermined regardless of whether the report of change was required by rule 441—76.15(249A). When the department has information about an anticipated change in a member's circumstances that may affect eligibility, eligibility will be redetermined at the appropriate time based on such change.

76.16(1) After assistance has been approved, except as provided in subrules 76.16(2) and 76.16(3) or as otherwise stated in 441—Chapter 75 or this chapter, action based on a change reported during a month will be effective the first day of the next calendar month unless timely notice of adverse action is required as specified in rule 441—16.2(17A).

76.16(2) When a request is made to add a new person to the Medicaid household and that person meets the eligibility requirements, assistance will be acted upon pursuant to rule 441—76.12(249A).

76.16(3) When the reported change causes a change in coverage from a Medicare Savings Program coverage group described in 441—subrule 75.6(5) to coverage under Medicaid for employed people with disabilities (MEPD) as described in 441—subrule 75.6(6), the reported change will be effective the first day of the calendar month that the change was reported.

76.16(4) When the change creates ineligibility, eligibility under the current coverage group will be canceled and an automatic redetermination of eligibility will be completed in accordance with rule 441—76.17(249A).

441—76.17(249A) Timeliness requirements for conducting automatic redeterminations of eligibility. Whenever a Medicaid member no longer meets the eligibility requirements of the current coverage group, the department will automatically redetermine eligibility for other Medicaid coverage groups unless the reason for ineligibility is due to not meeting the requirements in rule 441—76.8(249A). If the reason for ineligibility under the initial coverage group pertained to a condition of eligibility that applies to all coverage groups, no further redetermination will be required. When the redetermination is completed, the member will be notified of the decision in writing. The redetermination process will be completed as follows:

76.17(1) *Information received by the tenth of the month.* If information that creates ineligibility under the current coverage group is received by the department by the tenth of the month, the redetermination process will be completed by the end of that month unless the provisions of rule 441—76.14(249A) apply. The effective date of cancellation for the current coverage group will be the first day of the month following the month in which the information is received, pursuant to rule 441—76.16(249A).

76.17(2) *Information received after the tenth of the month.* If information that creates ineligibility under the current coverage group is received by the department after the tenth of the month, the redetermination process will be completed by the end of the following month unless the provisions of rule 441—76.14(249A) apply. The effective date of cancellation for the current coverage group will be no earlier than the first day of the first month following the month in which the information is received, pursuant to rule 441—76.16(249A), but no later than the second month following the month in which the information is received.

76.17(3) *Change in federal law.* If a change in federal law affects the eligibility of large numbers of Medicaid members and the United States Secretary of Health and Human Services has extended the redetermination time limits, in accordance with 42 CFR §435.1003, the redetermination process will be

completed within the extended time limit and the effective date of cancellation for the current coverage group will be no later than the first day of the month following the month in which the extended time limit expires.

These rules are intended to implement Iowa Code chapter 249A.

ARC 9550C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to rescission of chapters and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 106, "State-Funded Family Medicine Obstetrics Fellowship Program," Chapter 108, "Medical Residency Training State Matching Grants Program," Chapter 110, "Center for Rural Health and Primary Care," and Chapter 111, "Iowa Needs Nurses Now Infrastructure Account," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2025 Iowa Acts, House File 972.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 972.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind chapters that have been made obsolete by 2025 Iowa Acts, House File 972. Section 4 of the legislation strikes Iowa Code section 135.107(2) and 135.107(3), which provide rulemaking authority for Chapter 110. Section 17 of the legislation repeals Iowa Code sections 135.176 and 135.193, which provide rulemaking authority for Chapter 108 and Chapter 106, respectively. Finally, section 17 of the legislation also repeals Iowa Code section 135.175, which is associated with Chapter 111.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Victoria Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

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

October 7, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 259 285 819 643 8 Passcode: Do6b3vu7
October 7, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 285 028 257 610 6 Passcode: 9tN9Cg9p

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking actions are proposed:

ITEM 1. Rescind and reserve **641—Chapter 106**.

ITEM 2. Rescind and reserve **641—Chapter 108**.

ITEM 3. Rescind and reserve **641—Chapter 110**.

ITEM 4. Rescind and reserve **641—Chapter 111**.

ARC 9537C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Notice of Intended Action

Proposing rulemaking related to organization and administration and providing an opportunity for public comment

The Real Estate Appraiser Examining Board hereby proposes to amend Chapter 1, "Organization and Administration," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 543D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 272C, and 543D and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).

Purpose and Summary

This proposed rulemaking updates the Appraiser Qualifications Board (AQB) Criteria dated January 1, 2022, to the current AQB Criteria dated January 1, 2026. The AQB Criteria establishes the minimum standards for real property appraisers to obtain certification under the provisions of Title XI of the FIRREA.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025. A public hearing was held on the following date(s):

- August 1, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Charles Hill
Department of Inspections, Appeals, and Licensing
6200 Grand Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.281.7088
Fax: 515.725.9032
Email: charles.hill@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule 193F—1.10(543D) as follows:

193F—1.10(543D) AQB criteria.

1.10(1) No person may be certified as a certified appraiser unless the person is eligible under the January 1, ~~2022~~ 2026, AQB criteria.

1.10(2) The January 1, ~~2022~~ 2026, AQB criteria outline the conditions under which applicants for certification are eligible to take the mandated examinations.

ARC 9538C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Notice of Intended Action

Proposing rulemaking related to definitions and providing an opportunity for public comment

The Real Estate Appraiser Examining Board hereby proposes to amend Chapter 2, "Definitions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 543D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 272C, 481, and 543D and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).

Purpose and Summary

This proposed rulemaking updates the Appraiser Qualifications Board (AQB) Criteria dated January 1, 2022, to the current AQB Criteria dated January 1, 2026. The AQB Criteria establishes the minimum standards for real property appraisers to obtain certification under the provisions of Title XI of the FIRREA.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025. A public hearing was held on the following date(s):

- August 1, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Kimberly Gleason
Department of Inspections, Appeals, and Licensing
6200 Grand Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.8145
Fax: 515.725.9032
Email: kimberly.gleason@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 193F—2.1(543D) as follows:

193F—2.1(543D) Applicability. The following definitions apply to the rules of the real estate appraiser examining board:

"Appraisal Foundation" means the same as defined in Iowa Code section 543D.2(3).

"Appraisal subcommittee" means the appraisal subcommittee of the Federal Financial Institutions Examination Council.

"AQB" means the Appraiser Qualifications Board of the Appraisal Foundation.

"AQB Criteria" or *"the Criteria"* means the Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, effective as of January 1, ~~2022~~ 2026.

"ASB" means the Appraisal Standards Board of the Appraisal Foundation.

"Associate real property appraiser" means the same as defined in Iowa Code section 543D.2(6).

"Certified appraiser" means an individual who has been certified in one of the following two classifications:

1. The certified residential real property appraiser classification is qualified to appraise one to four residential units without regard to value or complexity.
2. The certified general real property appraiser classification is qualified to appraise all types of real property.

"Director" means the same as defined in Iowa Code section 543D.2(9)*"a."*

"FFIEC" means the Federal Financial Institutions Examination Council.

"FIRREA" means the Financial Institutions Reform Recovery and Enforcement Act of 1989.

"USPAP" means the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation, effective as of January 1, 2024.

This rule is intended to implement Iowa Code section 543D.2.

ARC 9573C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to contested cases related to alcohol and lottery proceedings and tax appeals, taxpayer representation, and other administrative procedures and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 6, "Contested Cases Related to Alcohol and Lottery Proceedings," and Chapter 7, "Tax Appeals, Taxpayer Representation, and Other Administrative Procedures," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 99G.9, 123.10, and 421.17.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The purpose of this proposed rulemaking is to provide updated rules on Department processes regarding contested case procedures for modernized electronic filing capabilities. Once the Department has undergone completion of its modernization project, Iowans will be able to utilize GovConnectIowa for appeals, petitions for declaratory order, petitions for rulemaking, and petitions for rule waiver for all matters before the Department. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on August 28, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

No public comments on the Regulatory Analysis were received at the hearing or in writing. No changes have been made to the text since publication of the Regulatory Analysis.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Madelyn Cutler
Department of Revenue
Hoover State Building
P.O. Box 10457
Des Moines, Iowa 50306
Phone: 515.724.2924
Email: madelyn.cutler@iowa.gov

Public Hearing

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

October 7, 2025	Via videoconference call
8:30 to 9 a.m.	meet.google.com/pvu-ntmq-msf

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 701—6.4(99G,123,17A) as follows:

701—6.4(99G,123,17A) Requests for a contested case proceeding.

6.4(1) Any person claiming an entitlement to a contested case proceeding shall file a written request within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the agency action in question.

6.4(2) The request for a contested case proceeding should state the name and address of the requester, identify the specific agency action that is disputed and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved, and include a short and plain statement of the issues of material fact in dispute.

6.4(3) A person may submit a request for a contested case proceeding using one of the methods described in 701—subrule 7.3(1).

ITEM 2. Amend rule 701—7.3(17A) as follows:

701—7.3(17A,99G,123,421-454) How to submit an appeal, petition or related documents; service. Appeals, petitions, and other documents governed by this chapter may be filed electronically, by mail, or in person, in accordance with the limits described below. The headquarters of the department in the

Hoover State Office Building in Des Moines, Iowa, will generally be open between the hours of 8 a.m. and 4:30 p.m. daily, except Saturdays, Sundays, and holidays as defined in Iowa Code section 421.9A.

7.3(1) *Ways to submit an appeal, petition, or related document.* Unless otherwise specified in another rule in this chapter, a person may submit an appeal, petition, related document, or document filed during an appeal or pending petition:

a. By submitting through GovConnectIowa. As of November 12, ~~2024~~ 2025, GovConnectIowa is available for filing appeals, petitions for declaratory order, petitions for rulemaking, and petitions for rule waiver for all ~~tax types as well as for lottery and alcohol matters but is only available for filing appeals for the following tax types: sales, use, E911, withholding, motor vehicle fee for new registration, vehicle lease, cigarette, tobacco products, alternative nicotine, vapor device, vapor products, drug stamp, utility replacement, central assessments, statewide property, motor fuel, hotel/motel, local option sales, automobile rental, water service excise, individual income, fiduciary income, corporation income, S corporation income, partnership income, composite, franchise, inheritance, moneys and credits, and tax credits and distributions associated with these tax types~~ matters before the department.

b. By email to idrhearings@iowa.gov.

c. By mail to Legal Services and Appeals Division, Iowa Department of Revenue, P.O. Box 14457, Des Moines, Iowa 50306-3457.

d. By hand delivery to the department's customer service desk in the Hoover State Office Building, First Floor, 1305 East Walnut Street, Des Moines, Iowa 50319, during regular business hours.

7.3(2) and **7.3(3)** No change.

This rule is intended to implement Iowa Code chapter 17A.

ARC 9570C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to device excise tax and providing an opportunity for public comment

The Revenue Department hereby proposes to adopt new Chapter 235, "Device Excise Tax," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 423.25, 453E.2, and 453E.5(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 453E.

Purpose and Summary

The purpose of the proposed rulemaking is to adopt new Chapter 235. This chapter describes the Department's interpretation of Iowa Code chapter 453E as it applies to the regulation and taxation of devices. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on August 27, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

No public comments on the Regulatory Analysis were received at the hearing or in writing. No changes have been made to the text since publication of the Regulatory Analysis.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Matt Bishop
Department of Revenue
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50306
Phone: 515.452.9205
Email: matt.bishop@iowa.gov

Public Hearing

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

October 7, 2025	Via videoconference call
9:30 to 10:30 a.m.	meet.google.com/ydm-bptq-irq

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 701—Chapter 235:

CHAPTER 235
DEVICE EXCISE TAX

701—235.1(453E) Purpose; definitions.

235.1(1) *Purpose.* This chapter sets forth the department of revenue's rules on the administration and regulation of the sale of devices and the imposition, collection, and remittance of excise tax on those devices.

235.1(2) *Definitions.* Unless otherwise indicated in the rule or required by context, all terms and phrases have the same meaning as defined in Iowa Code chapter 453A and section 453E.1. For purposes of this chapter, the following definitions also apply:

"Combustion" means to burn or to heat to the point of creating an aerosol, either directly or indirectly.

"Designed for use" means the primary intended purpose of the object and may be measured at the time of manufacture, distribution, or point of sale.

"GovConnectIowa" means the e-services portal of the department of revenue.

"Inhalation" means to take an aerosol into the body via the nose or mouth, even if the aerosol does not reach or is not absorbed through the lungs.

This rule is intended to implement Iowa Code chapter 453E.

701—235.2(453E) Devices.

235.2(1) *Device.* "Device" is defined in Iowa Code section 453E.1 and provides the factors the department will consider when determining whether a particular product is subject to regulation under Iowa Code chapter 453E and these rules.

235.2(2) *Examples.*

EXAMPLE 1: Retailer A holds a retail tobacco permit. Retailer A sells an object made from glass. The object has a bowl, a water reservoir, a tube, and a mouthpiece. The accompanying instructions direct users to place tobacco in the bowl, heat the bowl, and inhale the resulting aerosol. Because the object is made entirely of glass and is designed for use in inhaling through combustion tobacco, the object is a device.

EXAMPLE 2: Retailer B holds a retail tobacco permit. Retailer B sells an object identical to Example 1, except the object has no instructions and Retailer B describes it as a "sculpture." Retailer B also displays a sign next to the object that says, "DECORATION ONLY. DO NOT USE WITH TOBACCO." Despite the signage and lack of instructions, the object is a device; Retailer B is a supplier of tobacco products, and the object is designed for use as a device.

EXAMPLE 3: Retailer C holds a retail tobacco permit. Retailer C sells an object described as a "hookah." The object has a metal bowl to fill with water, a metal pipe, tubing, and a mouthpiece. The object's accompanying instructions direct users to place lit coals next to shisha (flavored tobacco) in order to heat the shisha without burning the shisha. By heating the shisha, the hookah creates an aerosol. Users can then inhale the aerosol from the shisha. Because the shisha is intended to be inhaled through combustion in the object, the object is a device.

EXAMPLE 4: Retailer D holds a retail tobacco permit. Retailer D sells a small silk flower packaged within a four-inch-long glass tube. Purchasers commonly dispose of the silk flower and use the tube for inhaling through combustion tobacco, hemp, other plant materials, or a controlled substance. Therefore the glass tube is a device. The sale is subject to regulation under Iowa Code chapter 453E, and the device excise tax applies to the entire sales price.

EXAMPLE 5: Retailer E does not hold a retail tobacco permit. Retailer E primarily sells scientific supplies and equipment, including a 100-millimeter-long glass test tube. The test tube's instructions only concern its scientific use. The descriptive materials accompanying the test tube only depict its scientific use. The test tube's advertising only concerns its scientific use. Retailer E only displays the test tube in a scientific manner. Retailer E otherwise is not a supplier of devices or related items. The test tube is commonly used for legitimate scientific purposes in the scientific community. While some individuals outside of the scientific community may be able to use this test tube as a means for drug consumption, the product is designed for use in scientific applications. The test tube is not a device.

This rule is intended to implement Iowa Code chapter 453E.

701—235.3(453E) Permit applications, approvals, and denials.

235.3(1) *Applications for permits in general.* The application forms for all permits issued under Iowa Code chapter 453E are available from the department. Permit application forms are to be submitted in accordance with paragraph 235.3(1)*"b."*

a. Each permit application, whether for a device retailer or a device delivery seller, must include but is not limited to the following information:

(1) Nature of the applicant's business;

(2) Type of permit requested;

(3) Address of the principal office of the applicant;

(4) Address of the place of business for which the permit is to apply;

(5) Names and addresses of no more than three principal officers, partners, or members if the business is not a sole proprietorship;

(6) Other permits issued under Iowa Code chapter 453A;

(7) Sales and use tax permit number issued under Iowa Code chapter 423;

(8) Signature of the person authorized to complete the application. For applications submitted under Iowa Code chapter 453E and these rules, the applicant's email address included on the electronic application constitutes a valid signature; and

(9) Any other information required on the forms issued by the department for the purpose of administering Iowa Code chapters 453A and 453E and these rules.

b. Electronic submission.

(1) Applicants seeking a device retailer or device delivery sale permit must submit their applications via GovConnectIowa.

(2) Applicants seeking a device retailer or device delivery sale permit must hold a valid, unsuspended or unrevoked retail tobacco permit, pursuant to Iowa Code section 453A.47A, or apply for a retail tobacco permit at the same time of their applications for a device retailer or device delivery sale permit.

(3) Applicants seeking a device retailer or device delivery sale permit must hold a valid, unsuspended or unrevoked sales and use tax permit, pursuant to Iowa Code chapter 423, or apply for a sales and use tax permit at the same time of their applications for a device retailer or device delivery sale permit.

(4) For device retailers and delivery device sellers, the legal name of the applicant must be the same as on the sales and use tax and retail tobacco permits or permit applications.

235.3(2) *Approval of permit application.*

a. Device retailer permit applications.

(1) The power to grant the device retailer permit is within the authority of the city council or board of supervisors of the jurisdiction in which the business is located. Uniform, nondiscriminatory limits may be placed by the city council or board of supervisors on the issuance of device retailer permits within the respective jurisdiction.

(2) Applying for a permit does not equal approval, so devices cannot be sold during the pendency of the retail application before the local jurisdiction.

b. Device delivery sale permit applications.

(1) The power to grant or deny the device delivery sale permit is within the authority of the department.

(2) The department will not approve a device delivery sale permit until or unless all requisite permits under Iowa Code section 453E.3(1) have been approved by the applicable local jurisdiction and the associated application fee has been submitted to the department.

c. Issuance of device retailer and device delivery sale permits.

(1) Regardless of the entity or jurisdiction that approves device retailer or device delivery sale permit applications under this rule, the department will issue the permit to the device retailer or device delivery seller.

(2) Submission of an application by the business or approval of an application by the state or locality is not sufficient to make device retail or delivery sales of devices. Device retailers and device

delivery sellers must have been issued a permit by the department before making retail or delivery sales of devices.

235.3(3) *Denial of device retailer and device delivery sale permit applications.* Rule 701—201.10(423) characterizes the term "substantially delinquent" in paying a tax.

a. The department may deny a permit to any applicant who is, at the time of application, substantially delinquent in paying any tax due that is administered by the department or the interest or penalty on the tax.

b. If the applicant is a partnership, the department may deny the applicant a permit if a partner is substantially delinquent in paying any tax, penalty, or interest regardless of whether the tax is in any way a liability of or associated with the partnership.

c. If an applicant for a permit is a corporation, the department may deny the applicant a permit if any officer, with a substantial legal or equitable interest in the ownership of the corporation, owes any delinquent tax, penalty, or interest of the applicant corporation. Unlike a partnership, the corporation must initially owe the delinquent tax, penalty, or interest and the officer must be personally and secondarily liable for the tax.

d. The director will deny a permit to any applicant who is an individual if the department has received a certificate of noncompliance from child support services in regard to the individual unless the unit furnishes the department with a withdrawal of the certificate of noncompliance.

e. The department will not refund permit application fees if the application is denied by the local jurisdiction or the department or if the permit is suspended or revoked.

235.3(4) *Device retailer and device delivery sale permits.*

a. Device retailer permits.

(1) Location. A device retailer permit only authorizes retail sales of devices at the location described in the permit. A device retailer must obtain a separate permit for each place of business owned or operated by the retailer from which retail sales of devices will be made.

(2) Display.

1. Device retailer permits must, at all times, be publicly displayed by the device retailer at the business location named in the permit. "Publicly displayed" means that the permit is easily seen by the public and persons authorized to inspect the business.

2. When requested by any agent of the department or any peace officer, the business proprietor or keeper of the building in which the devices are kept for retail sale, or with the intent to sell at retail, must produce the device retailer permit.

3. Refusal or failure to exhibit the device permit is prima facie evidence that devices are being kept for sale or with the intent to sell the devices in violation of Iowa Code chapter 453E.

b. Device delivery sale permits.

(1) Location. A device delivery sale permit only authorizes delivery sales of devices from the location described in the permit. A device delivery seller must obtain a separate permit for each place of business owned or operated by the delivery seller from which delivery sales of devices will be made.

(2) Display.

1. When requested by any agent of the department or any peace officer, the business proprietor or keeper of the building in which the devices are kept for sale by delivery, or with the intent to sell by delivery, must produce the device delivery sale permit.

2. Refusal or failure to exhibit the device permit is prima facie evidence that devices are being kept for sale or with the intent to sell the devices in violation of Iowa Code chapter 453E.

c. Applicable dates. Approved device retailer and device delivery sale permits will provide the dates during which devices may be sold pursuant to that permit. Retail and delivery sales of devices made before this approval period are unlawful unless authorized under another permit.

(1) The date included on a device retailer or device delivery sale permit application and the date when an application was submitted are not the relevant dates to determine whether a sale is unauthorized under Iowa Code section 453E.3.

(2) Local jurisdictions and the department shall not backdate approved device retailer or device delivery sale permits to coincide with an application or submission date.

235.3(5) *Change of location, ownership, or legal or operating name of a business.*

a. Change of location.

(1) If the holder of a device retailer permit or a device delivery sale permit changes the location of a business requiring a device permit, the existing permit is not valid for the new location.

(2) Change of location within the same jurisdiction. If a permittee changes the location of a retail operation requiring a device retailer permit but remains within the same jurisdiction that granted the original permit, the permittee may exchange the invalid permit (valid only for the location described in the original permit) for a valid permit free of charge and without submitting an additional device retailer permit application.

(3) Change of location to another jurisdiction. If a permittee changes the location of a retail operation requiring a device retailer permit to a location outside of the original jurisdiction that approved the original permit, the permittee must surrender the invalid permit to the original jurisdiction, apply for a new permit in the new jurisdiction, and pay the requisite permit fees.

(4) Examples.

EXAMPLE 1: Tobacco Store sells tobacco products and devices at retail and has obtained the requisite retail permits from the city of Des Moines. The establishment moved to a new location that is one block away but still within the city limits of Des Moines. Tobacco Store's retail permits are valid only for the location described in the permit. Therefore, the original permits are no longer valid. However, since the establishment remains within the jurisdiction that granted the original permits (Des Moines), Tobacco Store can exchange the original, presently invalid permits for valid permits with a new location description without submitting a new application or paying additional fees.

EXAMPLE 2: Same as Example 1, except the new location of Tobacco Store is outside the corporate limits of Des Moines and within an unincorporated area of Polk County. Tobacco Store must surrender the invalid permits to the city of Des Moines, apply for and obtain new retail permits from Polk County, and pay all the requisite permit fees.

b. Changes of ownership, business structure, and business name.

(1) If a place of business with a device retailer or device delivery sale permit changes ownership or legal structure, the old permits cannot be assigned or transferred to the new owners and must be surrendered.

(2) The new owners must submit new permit applications, including paying the requisite permit fees.

c. Change of legal or operating name of a business. If a place of business with a device retailer or device delivery sale permit changes the legal or operating name of the business, the permittee must surrender the invalid permit to the original jurisdiction, apply for a new permit in the new jurisdiction, and pay the requisite permit fees.

This rule is intended to implement Iowa Code sections 453E.3 and 453E.4.

701—235.4(453E) Permit cancellation, suspension, and revocation.

235.4(1) *No proration or refund of permit fees.* Permit fees for device retailer and device delivery sale permits are not subject to proration or refund in the event the permit is canceled, suspended, or revoked.

235.4(2) *Administrative procedure for permit suspensions and revocations.* Any permit suspension or revocation by the department under Iowa Code chapter 453E and this rule is subject to the requirements of "contested case procedures" and "license and permit denials and revocations" contained in 701—Chapter 7.

235.4(3) *Notice and hearing.* The department may revoke or suspend a retail device or device delivery sale permit pursuant to Iowa Code section 453E.7 after giving the permit holder notice and an opportunity to be heard.

235.4(4) *Delinquency of tax, penalty, or interest.* Rule 701—201.10(423) provides information on the term "substantially delinquent" in paying a tax.

a. The department may revoke the permit of any permit holder who becomes substantially delinquent in paying any tax that is administered by the department or the interest or penalty on the tax.

b. If the permit holder is a corporation, the department may revoke the permit if any officer with a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, penalty, or interest of the applicant corporation. In this latter instance, the corporation must initially owe the delinquent tax, penalty, or interest and the officer must be personally and secondarily liable for the tax.

c. If the permit holder is a partnership, a permit cannot be revoked for a partner's substantial delinquency in paying any tax, penalty, or interest that is not a liability of the partnership.

235.4(5) *Revocation by a local jurisdiction.*

a. Any permit revocation by a board of supervisors or city council is subject to the procedure or policy adopted by such board or council.

b. Local authorities must inform the department of any revocation and suspension of device retail permits by the local authority within 30 days of the suspension or revocation. Notification must be made electronically through GovConnectIowa unless the local authority has received permission from the director to use another method.

235.4(6) *Revocation for child support violations.*

a. The department will revoke a permit of a permit holder who is an individual if the department has received a certificate of noncompliance from child support services in regard to the permit holder unless the unit furnishes the department with a withdrawal of the certificate of noncompliance.

b. The board of supervisors or the city council that issued a retail permit is required by Iowa Code chapter 252J to revoke the permit of any retailer who is an individual if the board or council has received a certificate of noncompliance from child support services in regard to the retailer unless the unit furnishes the board or council with a withdrawal of the certificate of noncompliance.

235.4(7) *Waiting period.* Once the permit is revoked or suspended under this rule, the permittee cannot obtain another device retailer or device delivery sale permit, nor may a device retailer or device delivery sale permit be issued for the location covered by the revoked or suspended permit, regardless of the identity of the applicant, for a period of at least one year unless the applicant shows good cause to the contrary.

This rule is intended to implement Iowa Code chapter 252J and sections 453A.22 and 453E.7.

701—235.5(453E) Device retailers; age verification; display and entry.

235.5(1) *Age verification.* Before completing the sale of devices, device retailers must verify all purchasers are aged 21 or older as required in Iowa Code section 453E.3(8)*"a."*

235.5(2) *Display.*

a. Definitions.

"Generally display" includes displaying devices on shelves, counters, or cupboards visible only to those persons allowed entry to the retail establishment.

"Restrict entry" means the retailer actively checks the age of every person entering the establishment to ensure only persons who are at least 21 years of age enter.

b. Age restriction.

(1) All retail locations. Iowa Code chapter 453E provides that device retailers shall not display any devices in any part of a retail location where the devices are or could be visible to anyone younger than 21 years of age; however, the statute does not prescribe a specific method of display that prevents those under the age of 21 from viewing devices.

1. Device retailers cannot allow anyone younger than 21 years of age to view devices inside the retail establishment, including persons younger than 21 years of age who are accompanied by a parent or guardian.

2. Displaying devices in an external display window visible to the general public is prohibited.

3. Using signage such as "21 & OLDER ONLY" without checking the age of every person entering the establishment is not sufficient to restrict entry to the retail location.

(2) Retail locations with age restrictions for entry. If a retail location restricts entry to the entire retail establishment only to those who are at least 21 years of age and devices are not visible to the

general public from outside the retail location, devices may be generally displayed within the retail establishment.

(3) Retail locations that do not restrict entry by age. In determining whether a manner of display is in compliance with Iowa Code chapter 453E and the rules herein, the following will be considered:

1. Displaying devices within a retail location openly on shelves, counters, or cupboards visible to anyone in the retail establishment is generally prohibited if the retail establishment does not restrict entry into the establishment to persons 21 years of age and older.

2. Displaying devices in a separate room in the retail location where only persons aged 21 years and older can enter and view the devices is permitted as long as persons under 21 years of age are restricted from entry into the separate room where the devices are displayed.

3. Displaying devices in nonstructural spaces within the retail establishment utilizing a screen, curtain, or similar material that restricts visibility to the device is permissible if only persons aged 21 years and older are permitted by the retailer to enter the nonstructural space and to view the devices.

4. Retailers must also ensure that, even after purchase by an authorized purchaser, devices are not visible to persons under 21 years of age while the devices remain within the retail establishment's premises. Methods for preventing visibility to persons under the age of 21 include the use of opaque wrapping, bags, or boxes in which a purchased device is placed after sale.

c. Examples.

EXAMPLE 1: Device Retailer A places a sign by the entrance of the retail establishment that says, "You must be at least 21 years of age to enter", does not monitor the age of every person who enters the establishment, and only removes persons from the store if they appear to be under 21 years of age. Because A does not restrict entry, A cannot generally display devices so they are visible to anyone inside the establishment.

EXAMPLE 2: Device Retailer B checks the identification of every person entering the establishment to ensure they are at least 21 years of age. Because B restricts entry, B may generally display devices so they are visible to anyone inside the establishment. However, B cannot display devices so they are visible to persons outside the establishment.

EXAMPLE 3: Device Retailer C stores devices on shelves behind an opaque curtain near the register. The devices are not visible while the curtain covers them. C monitors the curtain and only allows persons who verify they are at least 21 years of age to look behind the curtain. When permitted persons look behind the curtain, the devices are not visible to anyone else in the store. C permissibly prevents persons under 21 years of age from viewing devices in the nonstructural space of the establishment consistent with this rule.

EXAMPLE 4: Device Retailer D stores devices on shelves behind a locked, opaque door. The devices are not visible while the door is shut. C only opens the door when requested by a person who verifies they are at least 21 years of age. However, the devices are generally visible to anyone inside the store when the door is open, and D does not restrict entry or verify that no one younger than 21 years of age is in the establishment before opening the door. Because persons younger than 21 years of age can view the devices when the door is open, D impermissibly allows persons younger than 21 years of age to view devices in violation of this rule.

235.5(3) *Sales through vending machines prohibited.* Devices cannot be sold through a vending machine.

This rule is intended to implement Iowa Code section 453E.3.

701—235.6(453E) Delivery sale requirements.

235.6(1) *Verification of recipient's age.*

a. Prior to finalizing a sale to the purchaser, the device delivery seller must verify that the purchaser is at least 21 years of age in one of the following ways:

(1) Use a commercially available database, or aggregate of databases, that is regularly used by government and businesses for the purpose of age and identity verification.

(2) Obtain a copy of a valid government-issued document that provides the name, address, and date of birth of the purchaser.

b. For each device delivery sale, the device delivery seller must retain proof that it verified the purchaser is at least 21 years of age. The delivery seller must retain this proof for at least five years after the delivery sale.

c. Before completing the delivery of devices, a person making delivery sales must perform all of the following:

(1) Obtain a valid form of identification from the recipient.

(2) Review the provided identification and verify that the identification:

1. Is valid;
2. Identifies the recipient; and
3. Establishes the recipient is 21 years of age or older.

d. The recipient of the device to be delivered must be a person aged 21 or older. Deliveries shall not be left:

(1) In a mail or post office box;

(2) In any unattended area inside or outside of a building, home, office or other location; or

(3) With anyone younger than 21 years of age.

e. No delivery shall be completed if the recipient is unable to provide or the delivery person is unable to verify a valid form of identification indicating the recipient is 21 years of age or older.

235.6(2) *Signature.*

a. A delivery person must obtain the signature of the recipient and verify that the recipient is aged 21 years or older before completing the device delivery.

b. Signatures can be collected via a paper or electronic form.

c. Delivery signature must include the date of delivery and the printed version of the recipient's name, along with the recipient's signature.

d. Device delivery sale permit holders must electronically submit records of delivered devices via GovConnectIowa. Such permit holders must also retain the records of delivered devices and provide these records when requested by the department as required by Iowa Code section 453E.4.

235.6(3) *Labels.*

a. Devices delivered by delivery sale directly to Iowa residents must be conspicuously labeled with the words, "CONTAINS DEVICE: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

b. Required labels must be directly on the package containing the device(s) and must not be placed on any type of wrapping, whether made of plastic or other material, that could be removed from the package containing the device(s).

c. Labels may use alternative language to that identified in paragraph 235.6(3)*"a"* only after approval by the director. Requests for alternative wording must be made to the director in writing and approved before any alternative wording can be used.

This rule is intended to implement Iowa Code section 453E.4.

701—235.7(453E) Attachment of tax.

235.7(1) *Device excise tax.* Retail sales and delivery sales of devices are subject to a device excise tax of 40 percent of the retail sales price of the device. In addition to the device excise tax, retail sales and delivery sales of devices are subject to the state sales tax and applicable local option sales tax.

a. Iowa Code section 453E.5(2)*"b"* provides information on what constitutes "retail sales price" and which elements are considered in its determination.

b. When a device is sold as a part of a bundled transaction, as defined in Iowa Code section 423.2(8), the 40 percent device excise tax applies to the entire retail sales price of the bundled transaction.

c. Examples.

(1) Sale in a jurisdiction with no local option sales tax. If a device has a retail sales price of $10, the sale of the device would be subject to a device excise tax of $4 and the state sales tax of $0.60. Therefore, a customer's total would be $14.60.

(2) Sale in a jurisdiction with a local option sales tax. If a device has a retail sales price of $10, the sale of the device would be subject to a device excise tax of $4 (40 percent of sales price), state sales tax of $0.60 (6 percent of sales price), and local option sales tax of $0.10 (1 percent of sales price). Therefore, a customer's total would be $14.70.

235.7(2) *Collection and remittance.* Device retailers and device delivery sellers must remit the sales, any applicable local option sales, and the device excise tax in the manner described in rule 701—235.8(453E) and 701—Chapter 202.

This rule is intended to implement Iowa Code sections 453E.4 and 453E.5.

701—235.8(453E) Filing returns and reports; payment of tax.

235.8(1) *Device excise tax return filing.*

a. Due date. Every device retailer and device delivery seller, including persons that sell devices at retail or by delivery sale without a device retailer or device delivery sale permit, must file a device excise tax return once per month. This monthly return is due on or before the last day of the month following the end of the month in which the tax was collected. For example, the device excise tax return for devices sold in the month of May must be filed on or before June 30.

b. Electronic filing. Device retailers and delivery sellers required to file a monthly device excise tax return shall file the return electronically through GovConnectIowa. A device retailer or delivery seller who is unable to file a return electronically may request permission from the director to file a paper return. A device retailer or delivery seller requesting such permission shall provide proof of its inability to file electronically.

c. Failure to timely file. Any returns that are not filed electronically through GovConnectIowa, without prior permission to file using another method, are treated as not validly filed returns. Device retailers and delivery sellers that do not timely and validly file returns as described in Iowa Code chapter 453E and this rule will be subject to any applicable penalties and interest.

235.8(2) *Reporting device excise taxes.*

a. A device retailer or delivery seller that has a reporting obligation but sold zero devices in the month must affirmatively indicate on the device excise tax return that the taxpayer has no device excise tax to report. A device retailer or delivery seller does this by making the appropriate indication on the electronic return. A device retailer or delivery seller who fails to do so will be treated as not reporting device excise taxes for that reporting period.

b. Example. Device Retailer A made no sales of devices during the month of June. A must still file a device excise tax return on or before July 31 that indicates it made zero sales during June. If A fails to timely file that return, A is subject to all applicable penalties for the failure to file.

235.8(3) *Device excise tax remittance.*

a. The device excise tax owed by a device retailer or device delivery seller must accompany the device excise tax return for the period in which the tax became due.

b. Device retailers and device delivery sellers filing a monthly device excise tax return electronically shall remit the excise tax electronically unless the person obtains permission from the director to remit taxes by another method before doing so.

c. Remittances transmitted electronically are considered made on the date the remittance is completed in GovConnectIowa.

235.8(4) *Required reporting method.* Any reports required by Iowa Code chapter 453E and these rules shall be filed electronically by device retailers and device delivery sellers through GovConnectIowa unless the person obtains permission from the director to file by another method before doing so. Required reports are due on or before the last day of the month following the end of the month to which the report applies and should be filed simultaneously with the device retailer or device delivery seller's device excise tax return(s).

235.8(5) *Due dates, weekends, and holidays.* Due dates that fall on a Saturday, Sunday, or holiday, as defined in Iowa Code section 421.9A, shall be treated in accordance with Iowa Code section 421.9A.

235.8(6) *Other required information.* Device retailers and device delivery sellers are also required to provide any other information requested by the department for the purpose of administering Iowa Code chapter 453E and these rules.

235.8(7) *Incorporation of Iowa Code chapter 423 and 701—Chapter 202.* Except as otherwise stated in this chapter, the requirements of Iowa Code chapter 423 and 701—Chapter 202 governing sales and use tax returns and remittance of tax apply to all device retailers and device delivery sellers.

This rule is intended to implement Iowa Code sections 453E.3(7), 453E.4, and 453E.5.

701—235.9(453E) Records; invoices.

235.9(1) *Records retention generally.* Every device retailer and device delivery seller shall keep, preserve, and make available to the department any records required by Iowa Code chapter 453E for a period of at least five years.

235.9(2) *Requirements.* Records kept, preserved, or made available pursuant to this rule will be considered inadequate by the department if the requirements of this rule are not met. The director may, in certain circumstances, authorize device retailers, device delivery sellers, and others subject to Iowa Code chapter 453E and these rules to keep records in a manner other than those prescribed in these rules. Any such authorization must be in writing.

235.9(3) *Examples of records.* The following is a nonexhaustive list of records subject to the provisions of this rule.

a. Device retailers.

(1) Records, including invoices, evidencing the purchase by the device retailer of devices.

(2) Detailed inventory records.

(3) Any other records required to be kept in the device delivery seller's capacity as a tobacco retailer.

b. Device delivery sellers.

(1) Records of devices delivered to purchasers that include the following information for each delivery sale:

1. Name of device manufacturer.
2. Quantity of devices delivered.
3. Name and address of recipient.
4. Verification of recipient's age.
5. Copy of recipient's signature.
6. Sales tax paid on the products sold pursuant to Iowa Code chapter 423.
7. Excise tax paid on the products sold pursuant to Iowa Code chapters 453A and 453E.

(2) Detailed inventory records.

(3) Any other records required to be kept in the device delivery seller's capacity as a tobacco retailer.

235.9(4) *Invoice forms.* Whenever an invoice is required to be prepared or kept by Iowa Code chapter 453E or these rules, at minimum, it must contain the following information:

a. Seller's name, address, and permit number.

b. Purchaser's name, address, and permit number (if any).

c. Date of sale.

d. All prices and discounts stated separately.

e. An indication as to whether devices are being sold with or without sales and device excise taxes included.

f. Origination and destination points.

This rule is intended to implement Iowa Code sections 453E.3(7) and 453E.4(4)*"e."*

701—235.10(453E) Federal or state law. Nothing in this chapter shall be construed to affect the provisions of any applicable federal or state law.

This rule is intended to implement Iowa Code section 453E.2(4).

ARC 9554C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to general requirements and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 1000, "General Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 123.10 and 123.49 and 2025 Iowa Acts, House File 470.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.30, 123.33 and 123.49.

Purpose and Summary

The proposed amendments to Chapter 1000 are responsive to 2025 Iowa Acts, House File 470. The legislation expands the definition of "mixed drink or cocktail" to include alcoholic beverages composed of wine or beer. The addition of wine and beer in the definition of "mixed drink or cocktail" also expanded the retail alcohol license classifications allowed to fill, sell, and serve mixed drinks or cocktails. Additionally, the legislation codified the requirements for mixed drinks or cocktails not for immediate consumption, commonly known as infusion; therefore, the Department is proposing to rescind the now redundant and outdated rule 701—1000.19(123). The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on August 27, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on June 11, 2025. A public hearing was held on the following date(s):

- July 1, 2025

No public comments on the Regulatory Analysis were received at the hearing or in writing. No changes have been made to the text since publication of the Regulatory Analysis.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Madelyn Cutler
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306
Phone: 515.724.2924
Email: madelyn.cutler@iowa.gov

Public Hearing

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

October 7, 2025	Via videoconference call
2 to 2:30 p.m.	meet.google.com/xik-mosn-ope

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve rule **701—1000.19(123)**.

ITEM 2. Amend rule 701—1000.22(123) as follows:

701—1000.22(123) Filling and selling of mixed drinks or cocktails in a container other than the original container. Class "C," special class "C" retail alcohol licensees, and special class "C" retail native wine licensees and the licensee's employees may fill and sell mixed drinks or cocktails in a container other than the original container subject to Iowa Code section 123.49(2)*"d"*(3) and this rule.

1000.22(1) *Definitions.*

"Alcoholic liquor," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(5) and includes "native distilled spirits" as defined in Iowa Code section 123.3(34).

"Beer," for the purposes of this rule, means "beer" as defined in Iowa Code section 123.3(7) and includes "high alcoholic content beer" as defined in Iowa Code section 123.3(22).

"Mixed drink or cocktail," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(32).

"Original container," for the purposes of this rule, means a vessel containing alcoholic liquor, beer, or wine that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture.

"Sealed container," for the purposes of this rule, means the same as defined in Iowa Code section ~~123.49(2)*"d"*(4)(a)~~ 123.49(2)*"d"*(4)(b).

"Tamper-evident," for the purposes of this rule, means the same as defined in Iowa Code section ~~123.49(2)*"d"*(4)(b)~~ 123.49(2)*"d"*(4)(c).

"Wine," for the purposes of this rule, means "wine" as defined in Iowa Code section 123.3(53) and includes "native wine" as defined in Iowa Code section 123.3(36).

1000.22(2) *Filling conditions.*

a. A sealed container may be filled and sold only by the licensee or the licensee's employees who are 18 years of age or older.

b. A sealed container may be filled only upon receipt of an order by a consumer of legal age.

c. A sealed container may be filled only with mixed drinks or cocktails composed in whole or in part with alcoholic liquor, beer, or wine from an original container purchased ~~from a class "E" retail alcohol licensee~~ as prescribed by Iowa Code chapter 123.

d. The filling of a sealed container needs to be conducted in compliance with applicable state and federal food safety statutes and regulations at all times.

1000.22(3) to **1000.22(7)** No change.

This rule is intended to implement Iowa Code sections 123.30, 123.33, and 123.49.

ARC 9555C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to general requirements and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 1000, "General Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 123.10 and 123.37.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.4, 123.10, 123.24, 123.30, and 123.37.

Purpose and Summary

The purpose of this proposed rulemaking is to provide updated Department processes. Rule 701—1000.28(123) is proposed to be amended to accurately reflect the fee charged to class "E" licensees for dishonored payment of alcoholic liquor purchases and to include the option of using a surety bond to satisfy outstanding obligations to the Department for alcoholic liquor payments.

Additionally, the Department is directed under Iowa Code section 123.37(4) to adopt rules establishing procedures for payment of disputed taxes imposed under Iowa Code chapter 123. The proposed new rule provides class "A" and special class "A" beer permittees, class "A" wine permittees, and wine direct shipper permittees with the procedure on how to dispute the taxes and related penalties they are subject to under Iowa Code chapter 123. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on August 27, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

No public comments on the Regulatory Analysis were received at the hearing or in writing. No changes have been made to the text since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa if adopted as proposed. If subrule 1000.28(2) is amended as proposed, the Department will be able to collect a fee in the exact amount

charged by the financial institution providing payment services and the Department will not absorb any additional costs.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Madelyn Cutler
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306
Phone: 515.724.2924
Email: madelyn.cutler@iowa.gov

Public Hearing

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

October 7, 2025	Via videoconference call
3 to 3:30 p.m.	meet.google.com/yyw-auru-kzv

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 701—1000.28(123) as follows:

701—1000.28(123) Dishonored payment for alcoholic liquor.

1000.28(1) *Certified funds status.* If a class "E" retail alcohol licensee tenders payment for alcoholic liquor that is subsequently dishonored, the licensee will enter a certified funds status for a duration determined by the director. During the certified funds status period, the licensee will tender a bank draft in exact payment in advance of the licensee's alcoholic liquor delivery.

1000.28(2) *Fee.* ~~The department may collect from the licensee a $20 fee for each dishonored payment for the purchase of alcoholic liquor.~~ For each dishonored payment for the purchase of alcoholic

liquor, the department may collect a fee in the exact amount charged by the financial institution providing payment services.

1000.28(3) *Automatic license renewal.* Any class "E" retail alcohol licensee that is enrolled in automatic license renewal and tenders payment for alcoholic liquor that is subsequently dishonored will be unenrolled from automatic license renewal.

1000.28(4) *Bond collection.* The director may collect from a surety bond in order to satisfy any outstanding obligations for dishonored payments.

This rule is intended to implement Iowa Code sections 123.4, 123.24, 123.30, and 123.35.

ITEM 2. Adopt the following **new** rule 701—1000.32(123):

701—1000.32(123) Procedures for disputed beer barrel and wine gallonage taxes. This rule governs the application of payments for all taxes and penalties imposed under Iowa Code chapter 123.

1000.32(1) *Requirements.* Class "A" and special class "A" beer permittees, class "A" wine permittees, and wine direct shipper permittees are required to file and pay taxes and related penalties as required by Iowa Code chapter 123.

1000.32(2) *Notice of assessment.* Taxes are subject to audits performed by the department. Upon the completion of an audit, the department will send the permittee an audit findings letter and notice of assessment. A permittee has 30 days to dispute the findings provided by the notice of assessment.

1000.32(3) *Appeal process.*

a. Pursuant to Iowa Code section 123.37, a permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the director.

b. Once all tax and penalty liabilities are paid, a permittee must follow the procedures outlined in rule 701—6.4(99G,123,17A) to request an appeal. Once received, the appeal will then proceed in accordance with 701—Chapter 6.

c. Assessed tax liabilities can be compromised and settled with the department at any time throughout the appeal process.

This rule is intended to implement Iowa Code section 123.37.

ARC 9545C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to placement and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 54, "Placement," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 84A.1.

Purpose and Summary

The purpose of this rulemaking is to remove a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 8:30 to 9 a.m.	Microsoft Teams Meeting ID: 299 377 396 359 7 Passcode: M6rV3bm2 Dial in by phone +1 469.998.6043 Phone conference ID: 202 030 249#
October 7, 2025 1 to 1:30 p.m.	Microsoft Teams Meeting ID: 297 311 346 053 3 Passcode: xi2Bz2yB Dial in by phone +1 469.998.6043 Phone conference ID: 757 249 619#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 54**.

ARC 9546C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to youth affairs and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 56, "Youth Affairs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 84A.1.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 9 to 9:30 a.m.	Microsoft Teams Meeting ID: 270 115 501 784 6 Passcode: wJ674Fs2 Dial in by phone +1 469.998.6043 Phone conference ID: 447 784 914#
October 7, 2025 1:30 to 2 p.m.	Microsoft Teams Meeting ID: 298 967 106 301 2 Passcode: 5MK6Te7j Dial in by phone +1 469.998.6043 Phone conference ID: 652 652 962#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 56**.

ARC 9547C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to work force investment program and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 57, "Work Force Investment Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 84A.1.

Purpose and Summary

The purpose of this rulemaking is to rescind a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 9:30 to 10 a.m.	Microsoft Teams Meeting ID: 248 717 876 918 2 Passcode: pu3gU3wf Dial in by phone +1 469.998.6043 Phone conference ID: 780 797 363#
October 7, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 288 476 801 327 5 Passcode: pS6vi23K Dial in by phone +1 469.998.6043 Phone conference ID: 269 285 981#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 57**.

ARC 9548C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to Iowa job training partnership program and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 58, "Iowa Job Training Partnership Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to rescind a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 280 975 076 066 6 Passcode: nx79kq2o Dial in by phone +1 469.998.6043 Phone conference ID: 562 955 065#
October 7, 2025 2:30 to 3 p.m.	Microsoft Teams Meeting ID: 284 343 137 311 0 Passcode: aW3D9fs9 Dial in by phone +1 469.998.6043 Phone conference ID: 736 074 423#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 58**.

ARC 9549C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to mentor advisory board and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 59, "Mentor Advisory Board," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to rescind a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 10:30 to 11 a.m.	Microsoft Teams Meeting ID: 286 614 085 108 2 Passcode: dT7JB64W Dial in by phone +1 469.998.6043 Phone conference ID: 560 461 530#
October 7, 2025 3 to 3:30 p.m.	Microsoft Teams Meeting ID: 267 562 529 904 3 Passcode: Zs3pv6EL Dial in by phone +1 469.998.6043 Phone conference ID: 178 305 196#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 59**.

ARC 9552C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to strategic workforce development fund and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 61, "Strategic Workforce Development Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to rescind a chapter that references outdated citations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 11 to 11:30 a.m.	Microsoft Teams Meeting ID: 212 430 258 746 4 Passcode: q3HA9P8g Dial in by phone +1 469.998.6043 Phone conference ID: 970 247 527#
October 7, 2025 3:30 to 4 p.m.	Microsoft Teams Meeting ID: 265 473 286 085 0 Passcode: XT3wp27a Dial in by phone +1 469.998.6043 Phone conference ID: 566 273 934#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 61**.

ARC 9542C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to workforce development fund and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 64, "Workforce Development Fund," Iowa Administrative Code, and to adopt a new Chapter 64 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

Proposed Chapter 64 provides administrative rules for the allocation of workforce development funds as per Iowa Code chapter 260F.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Rebecca Stonawski
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.868.1939
Email: rebecca.stonawski@iwd.iowa.gov

Public Hearing

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

October 7, 2025 9 to 9:30 a.m.	Microsoft Teams Meeting ID: 254 482 638 403 Passcode: nP7mW2Ey Dial in by phone +1 469.998.6043 Phone conference ID: 321 967 977#
October 7, 2025 1 to 1:30 p.m.	Microsoft Teams Meeting ID: 227 120 507 070 8 Passcode: 5Hd7gR2K Dial in by phone +1 469.998.6043 Phone conference ID: 458 930 561#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 871—Chapter 64 and adopt the following **new** chapter in lieu thereof:

CHAPTER 64
WORKFORCE DEVELOPMENT FUND

871—64.1(15,76GA,ch1180) Purpose. The purpose of the workforce development fund is to provide revenue for programs that address the workforce development needs of the state. Moneys are appropriated to the fund from the workforce development fund account and are to be used for projects under Iowa Code chapter 260F.

871—64.2(15,76GA,ch1180) Definitions.

"Agreement" means an informal agreement between the department and a grantee that authorizes expenditure of a workforce development fund award.

"Contract" means a formal agreement executed by the department and a grantee for purposes of operating a program under the workforce development fund.

"Department" or *"IWD"* means Iowa workforce development.

"Director" means the director of Iowa workforce development.

"Grantee" means any entity receiving a workforce development fund award from Iowa workforce development.

871—64.3(15,76GA,ch1180) Workforce development fund account. A workforce development fund account is established in the office of the treasurer of state under control of the department. Upon payment in full of a certificate of participation or other obligation issued to fund a job training program under Iowa Code chapter 260E, including a certificate of participation repaid in whole or in part by the supplemental new jobs credit from withholding under Iowa Code section 260J.1, the community college providing the job training program will notify the department of the amount paid by the employer or business to the community college to retire the certificate during the last 12 months of withholding collections. The department will notify the department of revenue of that amount. The department of revenue will then credit to the workforce development fund account, established in Iowa Code section 84G.3, 25 percent of that amount each quarter for a period of ten years. If the amount of withholding from the business or employer is insufficient, the department will prorate the quarterly amount credited to the workforce development fund account. The maximum amount from all employers that will be transferred to the workforce development fund account in any year is $7,750,000. The legislature will make an annual appropriation from the workforce development fund account to the workforce development fund.

871—64.4(15,76GA,ch1180) Workforce development fund allocation. The director will submit a copy of the proposed allocation of funds from the workforce development fund to be made for the next fiscal year for the programs and purposes intended to the chairpersons of the joint economic development appropriations subcommittee of the general assembly. Notwithstanding Iowa Code section 8.39, the plan may provide for increased or decreased allocations if the demand for a program indicates that the need is greater or lesser than the allocation for that program. Workforce development funds are received quarterly. The sequence in which the funds are allocated to the various programs under the workforce development fund will be determined by the department based upon the demand for the respective programs.

871—64.5(15,76GA,ch1180) Workforce development fund reporting. The director will provide annual reports to the legislative services agency on the status of the funds. Unobligated and unencumbered moneys remaining in the workforce development fund or any of its accounts on June 30 of each year will be considered part of the fund for purposes of the next year's allocation.

These rules are intended to implement Iowa Code chapter 260F.

ARC 9553C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to employment agency licensing and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 78, "Employment Agency Licensing," Iowa Administrative Code, and to adopt a new Chapter 78 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84I.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 84I.

Purpose and Summary

The purpose of this proposed rulemaking is to update outdated references and remove restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 7, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 7, 2025 11:30 a.m. to 12 noon	Microsoft Teams Meeting ID: 240 821 964 954 3 Passcode: 6jV9mp9k Dial in by phone +1 469.998.6043 Phone conference ID: 416 492 612#
October 7, 2025 4 to 4:30 p.m.	Microsoft Teams Meeting ID: 275 596 078 558 Passcode: Tw9r9ag7 Dial in by phone +1 469.998.6043 Phone conference ID: 171 019 317#

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 871—Chapter 78 and adopt the following **new** chapter in lieu thereof:

Title V
EMPLOYMENT AGENCY LICENSING

CHAPTER 78
EMPLOYMENT AGENCY LICENSING

871—78.1(84I) Definitions. In addition to the definitions found in Iowa Code chapter 84I, the following definition applies:

"Agency" means employment agency.

871—78.2(84I) Application and license.

78.2(1) *Application.* An application for a license must be made in writing to the director on the form provided by the director. The applicant shall also complete and submit the employee-paid fee schedule form provided by the director, the $75 nonrefundable fee, and all contract forms to be signed by an employee. The application shall also be accompanied by a surety company bond in the sum of $30,000, to be approved by the director and conditioned to pay any damages that may accrue to any person due to a wrongful act or violation of law on the part of the applicant in the conduct of business.

78.2(2) *Name.* No agency shall use any name, symbol or abbreviation deceptively similar to or reasonably likely to be confused with the name used by an existing agency, any governmental unit, or any nonprofit organization.

78.2(3) *Change in officers.* A change in the name of any person required to be reported on the application under Iowa Code chapter 84I shall be forwarded to the director within ten days of the change.

78.2(4) *Change in address.* The agency shall notify the director of any change of address prior to the change.

78.2(5) *Multiple locations.* A separate license shall be required for each separate office location operated by an agency.

78.2(6) *Nontransferable.* A license is nontransferable.

871—78.3(84I) Nonemployment agency activity. The following activities do not require an employment agency license:

1. Appraisal of an employee's qualifications.
2. Development of career goals and marketing plans.
3. Preparation and printing of résumés.
4. Instruction on interview techniques and networking.
5. Counseling on negotiating pay and fringe benefits.
6. Assistance in obtaining employment when provided by schools, colleges, trade unions, and similar organizations for their students or members if any fees paid are for tuition, training, or dues and would be charged even if the student or member did not attempt to utilize the organization's employment search services.
7. Furnishing or procuring theatrical, stage, or platform attractions or amusement enterprises.
8. Any activity by a governmental unit.

871—78.4(84I) Complaints. Written complaints by an aggrieved party will be investigated. The director will notify the aggrieved party in writing of the outcome of the investigation. The director may take any appropriate action, including denial, revocation, reprimand, and suspension.

871—78.5(17A,84I,252J) Denials, revocations, reprimands and suspensions.

78.5(1) The director may deny, revoke, or suspend a license or issue a reprimand when the director finds that any of the following conditions exist:

a. The license applicant has violated any of the provisions of Iowa Code chapter 84I or the rules of this chapter;

b. The child support recovery unit of the department of health and human services has issued a certificate of noncompliance to an employment agency; or

c. The license application or its required attachments are inaccurate, incomplete or otherwise insufficient.

78.5(2) Contested cases shall be governed by Iowa Code chapter 17A and 481—Chapter 10.

871—78.6(84I) Permissible fees charged by agency.

78.6(1) The total amount charged to any employee in any form by an agency shall not exceed 15 percent of the employee's gross earnings from that employer for which the agency procured the job in any pay period for a period of time not to exceed the first 12 months from the date of employment.

78.6(2) Fees due the agency are payable as earned; however, the employee may knowingly agree to pay the fee in advance, with the full understanding that the employee is not required to do so, and the agency guarantees to refund any amounts in excess of 15 percent of actual gross earnings, when ascertained.

78.6(3) No agency or any person connected therewith shall require any employee to execute any negotiable instrument, assignment of earnings, or note except for that amount of fee that is past due to the agency.

78.6(4) Each agency shall keep conspicuously posted at its place of business a copy of the agency's schedule of fees on file with the director. The schedules shall be printed in not less than 8-point type.

78.6(5) Each employee who has paid the fee in advance must be notified at the employee's last-known address by the agency at the time the employee makes the final payment on the fee that the employee may have a refund due if the employee has paid more than 15 percent of the gross earnings of the employee's first year of employment.

871—78.7 Reserved.

871—78.8(84I) Contracts and fee schedules.

78.8(1) *Schedules furnished.* Any schedule of fees to be charged by an agency to employees shall be furnished to all employees at the time of making an application with the agency.

78.8(2) *Required content of all contracts.*

a. Contracts and fee schedules shall not contain smaller than 8-point type.

b. Contracts and fee schedules shall contain no ambiguous, false or misleading information.

c. All contracts and fee schedules must clearly state that the agency is licensed by Iowa Workforce Development and that inquiries may be made via mail to Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319, or by telephone to 1.866.239.0843.

78.8(3) *Additional required content for employee-paid fee contracts.*

a. Each employee-paid fee contract shall contain a provision limiting to one year from the date of referral the period for which an agency may assess a placement fee for referral of that employee to that employer.

b. Where the agency provides the option for advance payment, the contract and employee-paid fee schedule must clearly state that the employee knowingly agrees to pay the fee in advance with the full understanding that the employee is not required to do so and that the agency guarantees to refund any amount in excess of 15 percent of the employee's gross earnings from that employer for which the agency procured the job for a period of time not to exceed the first 12 months from the date of employment, when ascertained.

c. All employee-paid fee contracts and fee schedules must state the fee in dollar amounts as well as percentages.

These rules are intended to implement Iowa Code chapter 84I.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for September is 6.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective September 10, 2025, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.65%

180-364 days	Minimum 1.55%
One year to 397 days	Minimum 1.75%
More than 397 days	Minimum 1.60%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Roby Smith, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2(3)"a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

October 1, 2024 — October 31, 2024	5.75%
November 1, 2024 — November 30, 2024	5.75%
December 1, 2024 — December 31, 2024	6.00%
January 1, 2025 — January 31, 2025	6.25%
February 1, 2025 — February 28, 2025	6.50%
March 1, 2025 — March 31, 2025	6.75%
April 1, 2025 — April 30, 2025	6.50%
May 1, 2025 — May 31, 2025	6.25%
June 1, 2025 — June 30, 2025	6.25%
July 1, 2025 — July 31, 2025	6.50%
August 1, 2025 — August 31, 2025	6.50%
September 1, 2025 — September 30, 2025	6.50%
October 1, 2025 — October 31, 2025	6.25%

ARC 9556C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to continuing education

The Board of Respiratory Care and Polysomnography hereby amends Chapter 721, "Continuing Education for Respiratory Care Practitioners and Polysomnographic Technologists," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 148G, 152B and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 148G, 152B and 272C.

Purpose and Summary

This rulemaking implements Iowa Code chapters 148C, 152B and 272C as amended by 2024 Iowa Acts, House File 2686. Chapter 721 sets forth continuing education and training requirements for respiratory care therapists and polysomnographic technologists. The intended benefit of this chapter is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 721.2(4) is amended to comply with the statutory changes from 2024 Iowa Acts, House File 2686, allowing a licensee to carry over up to 50 percent of excess completed continuing education hours from the previous renewal cycle. This rulemaking grants respiratory care therapists and polysomnographic technologists the ability to carry over up to 12 hours of continuing education earned in excess of the 24 hours required every two years.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on June 25, 2025, as **ARC 9374C**. A public hearing was held on the following date(s):

- July 15, 2025

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on August 21, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 721.2(4) as follows:

721.2(4) ~~No hours of continuing education shall be carried over into the next biennium except as stated for the second renewal.~~ Up to 50 percent of continuing education hours can be carried over into the next biennium if there was an amount of continuing education completed during the prior period that exceeded the minimum requirement. 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.

[Filed 8/22/25, effective 10/22/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9557C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to Iowa care for yourself (IA CFY) program

The Department of Health and Human Services hereby rescinds Chapter 8, "Iowa Care for Yourself (IA CFY) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

This chapter was reviewed and is being rescinded as part of the Red Tape Review process laid out by Executive Order 10. This chapter is being rescinded because the Department's review revealed that there was no statutory rulemaking authority for the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9418C**. Public hearings were held on the following date:

- August 12, 2025

The public hearings covered several chapters and there were members of the public in attendance. Public comments were received from the American Cancer Society Cancer Action Network advocating

for the program to continue even if the chapter is rescinded. The program will continue so long as there is federal funding to support it.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 8**.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9558C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to outpatient diabetes education programs

The Department of Health and Human Services hereby rescinds Chapter 9, "Outpatient Diabetes Education Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

This chapter was reviewed and is being rescinded as part of the Red Tape Review process laid out by Executive Order 10. This chapter is being rescinded because the Department's review revealed that there was no statutory rulemaking authority for the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9419C**. Public hearings were held on the following date:

- August 12, 2025

The public hearings covered multiple chapters, so there were members of the public in attendance. No public comments were received on this chapter. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 9**.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9559C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to Iowa get screened: colorectal cancer program

The Department of Health and Human Services hereby rescinds Chapter 10, "Iowa Get Screened: Colorectal Cancer Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

This chapter was reviewed and is being rescinded as part of the Red Tape Review process laid out by Executive Order 10. This chapter is being rescinded because the Department's review revealed that there was no statutory rulemaking authority for the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9420C**. Public hearings were held on the following date:

- August 12, 2025

The public hearings covered multiple chapters, and there were members of the public in attendance. Public comments were received from advocacy groups expressing the opinion that the chapter should continue as well as the underlying program. The program will continue contingent upon the receipt of federal and some State funding. This was indicated at the public hearing.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 10**.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9560C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to central registry for brain and spinal cord injuries

The Department of Health and Human Services hereby rescinds Chapter 21, "Central Registry for Brain and Spinal Cord Injuries," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

Chapter 21 describes the central registry for brain and spinal cord injuries. Data from the registry is used to facilitate prevention strategies and the provision of appropriate rehabilitative services by the Department and other State agencies. Chapter 21 was scheduled for a Red Tape Review in 2025 pursuant to Executive Order 10. Upon its review, the Department found that there was no statutory authority for rules. While Iowa Code section 135.22 authorizes the Department to create and manage the registry, it does not give the Department authority to promulgate rules. As such, the chapter is being rescinded, but the registry will continue to exist under the authority in Iowa Code section 135.22.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9421C**. Public hearings were held on the following date:

- August 12, 2025

The public hearings covered multiple chapters, so there were members of the public in attendance. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 21**.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9561C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to local boards of health

The Department of Health and Human Services hereby rescinds Chapter 77, "Local Boards of Health," Iowa Administrative Code, and adopts a new Chapter 77 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 137.

Purpose and Summary

This chapter describes the roles and responsibilities, organization, and procedures of local public boards of health, which contract with the Department to provide public health services at the local level.

This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result, the Department removed restrictive terms and redundant information.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9422C**. Public hearings were held on the following date:

- August 12, 2025

While there were members of the public at the public hearings, no one provided comment. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
LOCAL BOARDS OF HEALTH

641—77.1(137) Definitions. For the purpose of these rules, the following definitions apply:

"Core public health functions" means the functions of assessment, policy development, and assurance.

1. Assessment: regular collection, analysis, interpretation, and communication of information about health conditions, risks, and assets in a community.

2. Policy development: development, implementation, and evaluation of plans and policies, for public health in general and priority health needs in particular, in a manner that incorporates scientific information and community values and in accordance with state public health policy.

3. Assurance: ensuring by encouragement, regulation, or direct action that programs and interventions that maintain and improve health are carried out.

"District" means the same as defined in Iowa Code section 137.102.

"District board" means the same as defined in Iowa Code section 137.102.

"District health department" means the same as defined in Iowa Code section 137.102.

"Environmental health services" means services focused on the environment to support population-based health services.

"Essential public health services" means those activities carried out by public health that fulfill the core functions.

"Local board of health" means the same as defined in Iowa Code section 137.102.

"Personal health services" means services focused on the care of individuals.

"Population-based health services" means services focused on the health status of population groups and their environments.

641—77.2(137) Local boards of health—roles and responsibilities. Public health is responsible for safeguarding the community's health. This goal is pursued through three core functions: assessment, policy development and assurance.

77.2(1) Assessment: regularly and systematically collect, assemble, analyze, and make available information on the health of the community, including statistics on health status, community health needs, personal health services, and epidemiologic and other studies of health problems. A local board of health may perform the following essential public health services:

a. Monitor health status to identify community health problems;

b. Diagnose and investigate health problems and health hazards in the community; and

c. Evaluate effectiveness, accessibility, and quality of personal, population-based, and environmental health services.

77.2(2) Policy development: exercise responsibility to serve the public interest in the development of comprehensive public health policies. This core function can be accomplished by promoting use of a scientific knowledge base in decision making about public health and by taking the lead in public health policy development.

a. A local board of health may perform the following essential public health services:

(1) Develop policies and plans that support individual and community health efforts; and

(2) Research new insights and innovative solutions to health problems and health threats.

b. A local board of health shall perform the following essential public health services:

(1) Enforce laws and regulations that protect public health and enforce lawful orders of the department;

(2) Make and enforce reasonable rules and regulations not inconsistent with the law or the rules of the department as may be necessary for the protection and improvement of public health; and

(3) Employ persons as necessary for the efficient discharge of the board's duties. Employment practices shall meet the requirements of Iowa Code chapter 8A, subchapter IV, or any civil service provision adopted under Iowa Code chapter 400.

77.2(3) Assurance: assure constituents that services necessary to achieve agreed-upon goals are provided either by encouraging action by other entities (private or public sector), by requiring such action through regulation, or by providing services directly. Each local board of health must involve key policymakers and the general public in determining a set of high-priority personal and population-based health services. A local board of health may perform the following essential public health services:

a. Link people to needed personal health services; provide such personal, population-based and environmental health services as deemed necessary for the promotion and protection of the health of the public; and charge reasonable fees for personal health services;

b. Ensure the competence of the public health, environmental health, and personal health care workforce;

c. Inform, educate, and empower people about health issues;

d. Mobilize community partnerships to identify and solve health problems;

e. Issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems;

f. Engage in joint operations by:

(1) Contracting with colleges and universities; the department; other public, private, and nonprofit agencies; and individuals; or

(2) Forming a district health department to provide personal and population-based health services; and

g. Enforce, by written agreement with the council of any city within its jurisdiction, appropriate ordinances of the city relating to public health.

641—77.3(137) Organization of local boards of health.

77.3(1) *Qualifications.* Members of a local board of health should have experience or education related to the core public health functions, essential public health services, public health, environmental health services, personal health services, population-based services, or community-based initiatives.

77.3(2) *Officers of local boards of health.* Each local board of health shall, at its first meeting during any calendar year, elect one of its members to serve as chairperson until the first meeting of the following calendar year.

a. The local board of health may elect a vice-chairperson, secretary, or other such officers as it may deem advisable.

b. In case of a vacancy of the office of chairperson, a successor, who shall serve the remainder of the term, shall be elected at the next meeting of the board.

77.3(3) *Meetings of local boards of health.* The place, date and time of regular meetings of the local board of health shall be determined by vote of the board, and such meetings shall comply with the provisions of the open meetings law in Iowa Code chapter 21.

a. Each local board of health shall meet at least six times per year.

b. Special meetings of a local board of health may be called, as needed, by the chairperson or by any three board members. The local board of health shall provide at least 24 hours' notice of special meetings, except in case of emergency.

c. A majority of the members of a local board of health shall be considered a quorum, and an affirmative vote of the majority of the members present is necessary for action taken by a local board of health. The majority shall not include any member who has a conflict of interest, and a statement by the member that a conflict of interest exists shall be conclusive for this purpose.

641—77.4(137) Expenses of local board of health members.

77.4(1) The following may be considered necessary expenses of local board of health members:

a. Travel in private car on local board of health business at the same rate as provided for a public officer or employee in Iowa Code section 70A.9.

b. Lodging and meal expenses, including sales tax on lodging and meals.

c. Expense of public transportation when traveling on local board of health business.

d. Miscellaneous expenses related to performance of duties as approved by the local board of health.

e. Training and education expenses.

77.4(2) This rule shall not be construed as requiring the payment of reimbursement to any person or as prohibiting local boards of health from imposing additional restrictions or administrative requirements on expenses of their members.

641—77.5(137) Dissolution of city boards. A city board of health may voluntarily dissolve by submitting notice to the department. The notice shall set an effective date for the action.

641—77.6(137) Request to form district board of health. The county boards of health of any two or more geographically contiguous counties may at any time submit to the department a written request to form a district board of health in accordance with Iowa Code section 137.106.

641—77.7(137) Review, approval or denial of district board of health formation.

77.7(1) Upon receipt of the application form and all information contained in rule 641—77.6(137), the department will review such information and shall determine, within 30 days, whether the required elements have been presented by the proposed district and will provide notice of approval of district board of health formation, including effective dates, to the county board of health of each county in the district and to the board of supervisors of each county in the district.

77.7(2) Upon receipt of the notice of approval of district board of health formation, each appointing authority shall, prior to the effective date of district board of health formation, appoint district board of health members as specified in Iowa Code section 137.105.

77.7(3) The department has the authority to deny formation of a district board of health if the application fails to conform with Iowa Code chapter 137 or this chapter.

77.7(4) The department will notify, in writing, all local boards of health in the proposed district of the reason and rationale for the denial of the district board of health formation within 30 days of the decision.

77.7(5) The local boards of health in the proposed district have the right to request reconsideration of the decision by submitting the request to the department within 30 days of receiving notice of the decision.

77.7(6) The department will reconsider the request by the local boards of health. The reconsideration shall not constitute a contested case hearing. The department's final decision following reconsideration shall constitute final agency action pursuant to Iowa Code section 17A.19, and judicial review of any such decision shall be treated as other agency action.

641—77.8(137) Adding to a district board of health. A county may be added to an existing district board of health by submission and approval of a request as specified in Iowa Code sections 137.106 and 137.107.

641—77.9(137) Withdrawal from a district board of health. A county may voluntarily withdraw from a district board of health by submitting a request for withdrawal to the department for approval. The request shall include a timeline and plan to reestablish a county board of health or to join a different district board of health to provide the core public health functions and essential public health services to the county's geographic area.

77.9(1) If the department approves the request for withdrawal of the applicant county from the district board of health, an effective date will be set for the action and the department will notify the district board of health and the board of supervisors of the applicant county.

77.9(2) The ownership of property and equipment shall follow the guidelines submitted in the original request to form the district board of health.

77.9(3) The remaining counties in the district shall submit an application including the information specified in rule 641—77.6(137) to the department for review as provided in Iowa Code section 137.107.

These rules are intended to implement Iowa Code chapter 137.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9562C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to local public health services

The Department of Health and Human Services hereby rescinds Chapter 80, "Local Public Health Services," Iowa Administrative Code, and adopts a new Chapter 80 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 135.

Purpose and Summary

This chapter outlines the Department's contracts with local public health agencies. The purpose of local public health services contracts is to ensure core public health functions are met, to ensure public health services are delivered, and to increase the capacity of local public boards of health to meet the unique needs of the populations they serve in order to promote health for the populations' lifetimes.

This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result, the Department removed restrictive terms, redundant information, and duplicative language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9424C**. Public hearings were held on the following date:

- August 12, 2025

Although there were some members of the public at the public hearings, no public comments were received.

Two changes from the Notice have been made. First, a drafting error led to the inclusion of language involving a "work plan" in the definitions and in rules 641—80.2(135) and 641—80.3(135). That language has been removed because it is duplicative of contract language. In addition, the Notice erroneously cited Iowa Code chapter 137 as being implemented by the chapter. The correct citation is Iowa Code chapter 135.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 80 and adopt the following **new** chapter in lieu thereof:

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES

641—80.1(135) Definitions. For the purposes of these rules, the following definitions apply:

"Allocation" means the process to distribute funds.

"Appropriation" means the funding amount approved in the state budget.

"Contractor" means a local board of health.

"Core public health functions" means the same as defined in 641—Chapter 77.

"Elderly" means an individual aged 60 years and older.

"Essential public health services" means a framework for public health to promote and protect the health of all people in all communities.

"Formula" means the mathematical calculation applied to the state appropriation and granted to each local board of health pursuant to Iowa Code section 135.11(10) to determine the amount of available funds to be distributed to each county.

"Local board of health" or *"LBOH"* means a county or district board of health as defined in Iowa Code chapter 137.

"Low income" means the U.S. Census Bureau's small area income and poverty estimates (SAIPE) used to determine low income.

"LPHS" means local public health services.

"Public health intervention" means an organized effort to promote behaviors and habits that can improve physical, mental, and emotional health for specific groups of people.

641—80.2(135) Contractor assurances. A contractor may directly provide or subcontract all or part of the delivery of essential public health services and public health interventions and will ensure the terms of its contract with the department are fulfilled.

641—80.3(135) Utilization of LPHS contract funding. A contractor may bill the department for staff time, salaries and benefits, and other necessary costs to implement the approved essential public health services and interventions.

641—80.4(135) LPHS funds.

80.4(1) Allocation for LPHS funds to each contractor is determined by the following formula:

a. Eighteen percent of the total LPHS funds will be divided so that an equal amount is available for use in each county in the state.

b. Eight percent of the total LPHS funds will be allocated to each county according to the county's population based upon the published data of the U.S. Census Bureau, which is the most recent data available three months prior to the release of the LPHS application.

c. Forty-four percent of the total LPHS funds will be allocated according to the proportion of state residents who are elderly persons living in a county based upon the bridged-race population estimates produced by the U.S. Census Bureau in collaboration with the National Center for Health Statistics (NCHS).

d. Thirty percent of the total LPHS funds will be allocated according to the proportion of state residents who are low-income persons living in a county based upon the U.S. Census Bureau's SAIPE.

80.4(2) The department will annually determine the potential for unused funds from contracts. Reallocation of the funds will be at the discretion of the department.

These rules are intended to implement Iowa Code section 135.11(10).

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9563C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to child protection center grant program

The Department of Health and Human Services hereby rescinds Chapter 94, "Child Protection Center Grant Program," Iowa Administrative Code, and adopts a new Chapter 94 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 135.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.118.

Purpose and Summary

Public Comment and Changes to Rulemaking

An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9411C**. Public hearings were held on the following date:

- August 12, 2025

Prior to the public hearings, the Department worked with key stakeholders and circulated revisions to the proposed chapter. At the public hearing and via email, four stakeholders indicated their support for the Department's proposed revisions, which are included in this Adopted and Filed chapter.

Changes from the Notice have been made. Specifically, the Department added a definition of "department service area" and added new subrule 93.3(3) to clarify that, subject to funding availability, at a minimum, the Department will award a grant to a child protection center in or available to each Department service area. This will help ensure that children all across the State can continue to be served by the child protection centers.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 94 and adopt the following **new** chapter in lieu thereof:

CHAPTER 94
CHILD PROTECTION CENTER GRANT PROGRAM

641—94.1(135) Definitions. For the purposes of these rules, the following definitions apply:

"Child abuse" means the same as defined in Iowa Code section 232.68(2).

"Child protection center" or *"child advocacy center"* means a comprehensive, child-focused program, designed by communities to meet their needs, based in a facility that allows law enforcement, child protection professionals, prosecutors, and the mental health and medical communities to work together to handle child abuse cases. "Child advocacy center" is synonymous with "child protection center."

"Department service area" means one of the five geographic areas designated by the department for the provision of family well-being and protection services.

641—94.2(135) Goals. A child protection center's goals for victims of child abuse allegations shall be:

1. To provide consistent and expedient response and follow-up to abuse reports.
2. To coordinate activities to investigate, prosecute, and treat child abuse.
3. To advocate for medical and mental health resources to effectively help the child and the child's family.
4. To reduce the number of interviews and interactions with a victim.
5. To provide consistent and compassionate support for the child and the child's family.
6. To ensure that the child is not further victimized by the system designed to protect the child.
7. To increase successful prosecutions.

641—94.3(135) Review process.

94.3(1) The department will establish a request for proposal and application process for organizations eligible to receive funding. The department will establish a process to review applications, including receiving input from a review committee. The review process and review criteria will be described in the request for proposals.

94.3(2) The director will create a committee to review proposals and make recommendations to the director. At a minimum, committee membership will be in accordance with Iowa Code section 135.118(3).

94.3(3) While implementation of the grant program is subject to the availability of funding, if sufficient funding is available, the department will, at a minimum, award a grant to a child protection center in or available to each department service area.

641—94.4(135) Eligibility and criteria. To be eligible for a child protection center grant, an organization shall:

94.4(1) Have acquired partial membership rank as a child advocacy center from the National Children's Alliance and shall identify a plan to acquire full membership rank within one year of receiving a state grant.

94.4(2) Have in place an interagency memorandum of understanding that meets the requirements of Iowa Code section 135.118. The applicant shall provide in the application written information in the following areas:

a. Data, statistics and facts from an assessment of need and assets in the community to support a child protection center for children.

b. Identification of barriers to the child protection center to reach the purpose and goals for children as may exist in federal, state, or local rules, regulations, codes, policies, or procedures.

c. A plan to request and advocate waivers of federal, state, or local rules, regulations, codes, policies, or procedures to remove or reduce barriers.

d. The child protection center's access to information regarding all suspected or confirmed child abuse/neglect victims in the identified service area.

e. The child protection center's provision of 24-hour access to center staff for support, questions, and referrals regarding child abuse.

f. Identification of matching local funds to support and sustain the child protection center in the community.

g. A plan for community education on prevention of child abuse and neglect.

h. Collaboration agreements with providers of human services, child health services, early education services, and all other potential community partners to support the purpose and goals of the child protection center.

i. The child protection center's ability to access and utilize alternate funds for activities provided.

641—94.5(135) Appeals. An applicant may appeal the denial of a properly submitted grant application. Appeals will be governed by 441—Chapter 7, Division II.

These rules are intended to implement Iowa Code section 135.118.

[Filed 8/27/25, effective 11/1/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9571C

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to regulations applicable to carriers

The Public Safety Department hereby rescinds Chapter 22, "Regulations Applicable to Carriers," Iowa Administrative Code, and adopts a new Chapter 22 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 321.208A, 321.449, 321.450 and 325A.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.123, 321.208A, 321.449 and 321.450.

Purpose and Summary

Pursuant to Executive Order 10, this rulemaking repromulgates Chapter 22. Chapter 22 outlines the regulations applicable to commercial motor vehicles (CMVs). These rules largely impose safety requirements and adoption of federal regulations by reference.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025, as **ARC 9386C**. A public hearing was held on the following date(s):

- July 29, 2025
- July 30, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 28, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 661—Chapter 10.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
REGULATIONS APPLICABLE TO CARRIERS

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) *Regulations.*

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, 2023).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2023).

c. Copies of regulations. Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

22.1(2) *Carriers subject to regulations.*

a. Operators of commercial vehicles, as defined in Iowa Code section 321.1, are subject to the Federal Motor Carrier Safety Regulations adopted in this rule unless exempted under Iowa Code section 321.449.

b. Operators of vehicles transporting hazardous materials in commerce are subject to the Federal Hazardous Materials Regulations adopted in this rule unless exempted under Iowa Code section 321.450.

c. Operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) *Declaration of knowledge of regulations.* Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

661—22.2(321) Definitions. The following definitions apply to the regulations adopted in rule 661—22.1(321):

"Any requirements which impose any restrictions upon a person" as used in Iowa Code section 321.449(6) means the requirements in 49 CFR Parts 391 and 395.

"Driver age qualifications" as used in Iowa Code section 321.449(3) means the age qualifications in 49 CFR 391.11(b)(1).

"Driver qualifications" as used in Iowa Code section 321.449(2) means the driver qualifications in 49 CFR Part 391.

"Farm customer" as used in Iowa Code section 321.450(3) means a retail consumer residing on a farm or in a rural area or city with a population of 3,000 or less.

"Hours of service" as used in Iowa Code section 321.449(2) means the hours of service requirements in 49 CFR Part 395.

"Recordkeeping requirements" as used in Iowa Code section 321.449(2) means the recordkeeping requirements in 49 CFR Part 395.

"Rules adopted under this section concerning physical and medical qualifications" as used in Iowa Code sections 321.449(5) and 321.450(2) means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

"Rules adopted under this section for a driver of a commercial vehicle" as used in Iowa Code section 321.449(4) means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

661—22.3(321) Motor carrier safety regulations exemptions.

22.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR 396.17 as adopted in rule 661—22.1(321):

a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.

b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.

c. Unregistered farm trailers as defined in rule 761—400.1(321) pursuant to Iowa Code section 321.123.

d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers.

22.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.

661—22.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 661—22.1(321):

22.4(1) Pursuant to Iowa Code section 321.450(3), "retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business" are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

22.4(2) Reserved.

This rule is intended to implement Iowa Code section 321.450.

661—22.5(321) Safety fitness.

22.5(1) *New motor carrier safety audits.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform safety audits of new motor carriers and have the authority to enter a motor carrier's place of business for the purpose of performing these audits. These audits are performed in compliance with 49 CFR Part 385 and are completed within 18 months from the day the motor carrier commences business.

22.5(2) *Motor carrier compliance reviews.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform compliance reviews of motor carriers and shall have the

authority to enter a motor carrier's place of business for the purpose of performing these compliance reviews. These compliance reviews are performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

661—22.6(321) Out-of-service order. A person will not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance is issued when either the vehicle operator is not qualified to operate the vehicle or the vehicle is unsafe to be operated until required repairs are made. The out-of-service order is consistent with the North American Uniform Out-of-Service Criteria.

This rule is intended to implement Iowa Code sections 321.3, 321.208A, 321.449, and 321.450.

661—22.7(321) Driver's statement. A "driver" as used in Iowa Code sections 321.449(5) and 321.450(2) will carry at all times a notarized statement of employment. The statement includes the following:

1. The driver's name, address and social security number;
2. The name, address and telephone number of the driver's pre-July 29, 1996, employer;
3. A statement, signed by the pre-July 29, 1996, employer or the employer's authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and
4. A statement showing the driver's physical or medical condition existed prior to July 29, 1996.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

661—22.8(321) Planting and harvesting period. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting period pertaining to agricultural operations is January 1 through December 31.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

661—22.9(325A) Marking of motor vehicles. "Motor vehicle" is defined in Iowa Code chapter 325A. Before any motor vehicle is placed in service, the motor vehicle will be clearly marked with letters and figures large enough to be easily read at a distance of 50 feet and in a color in contrast to the background. These markings will be painted on each side of the motor vehicle or may consist of a removable device that meets identification and legibility requirements and is securely placed on each side of the motor vehicle.

22.9(1) Motor carriers operating intrastate only will display the:

a. Name of motor carrier under whose authority the motor vehicle is being operated.

b. U.S. DOT number followed by the letters "IA" if the motor carrier has been issued a number by the Federal Motor Carrier Safety Administration.

22.9(2) Motor carriers operating both interstate and intrastate will display markings in accordance with 49 CFR 390.21.

This rule is intended to implement Iowa Code section 325A.8.

661—22.10(325A) Bills of lading or freight receipts.

22.10(1) *Requirements.* Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, will issue a bill of lading or receipt on the date freight is received for shipment. The bill of lading or receipt shows the following:

a. Name of motor carrier.
b. Date and place received.
c. Name of consignor.
d. Name of consignee.
e. Destination.
f. Description of shipment.
g. Signature of motor carrier or agent issuing the bill of lading or receipt.
h. Freight described in apparent good order unless an exception is noted.

22.10(2) *Retention.* There will be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The copy may be either paper or electronic except that a bill of lading or receipt of freight consisting of hazardous materials must be a paper copy as required in accordance with 49 CFR Part 172. The motor carrier will carry a copy of the bill of lading or receipt with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier will keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

This rule is intended to implement Iowa Code section 325A.10.

[Filed 8/28/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9572C

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to safety requirements for movement of implements of husbandry on roadways

The Public Safety Department hereby rescinds Chapter 24, "Safety Requirements for Movement of Implements of Husbandry on Roadways," Iowa Administrative Code, and adopts a new Chapter 24 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 321.383.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.383.

Purpose and Summary

This rulemaking repromulgates Chapter 24 pursuant to Executive Order 10. Chapter 24 provides minimum safety requirements for implements of husbandry operating on Iowa's roadways.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025, as **ARC 9384C**. A public hearing was held on the following date(s):

- July 29, 2025
- July 30, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 28, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 661—Chapter 10.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 24 and adopt the following **new** chapter in lieu thereof:

CHAPTER 24
SAFETY REQUIREMENTS FOR MOVEMENT OF
IMPLEMENTS OF HUSBANDRY ON ROADWAYS

661—24.1(321) Safety rules for the movement of implements of husbandry on a roadway. The following standards are minimum safety requirements for the movement of implements of husbandry on a roadway.

24.1(1) *Towing standard.* No power unit operated by a retail seller or manufacturer shall tow more than one implement of husbandry, except those implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

24.1(2) *Equipment standards.*

a. Braking. Braking equipment of the towing unit or self-propelled implement of husbandry is adequate under Iowa Code section 321.430 when the vehicle is traveling 20 miles per hour and the braking device does either of the following:

(1) Stops the vehicle or vehicles within 30 feet if the gross weight is less than 5,000 pounds.

(2) Stops the vehicle or vehicles within 50 feet if the gross weight is 5,000 pounds or more.

b. Rearview mirror. The rearview mirror equipment standard in Iowa Code section 321.437 may be met by the use and installation of a temporary rearview mirror.

c. Lighting. The requirement in Iowa Code section 321.387 applies to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The rear taillight equipment standard may be met by the use and installation of a temporary rear taillight. If an implement of husbandry is being towed by a vehicle that is equipped with brake lights, the requirements of Iowa Code section 321.404 also apply to the towed unit.

d. Turn signal. The requirements of Iowa Code section 321.317 apply to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The turn-signal device equipment standard may be met by the use and installation of a temporary turn-signal device.

e. Tires. The requirements of Iowa Code section 321.440 apply for pneumatic tires on the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry.

f. Warning devices. The requirements of Iowa Code section 321.383 apply to reflective devices on the self-propelled or towed implement of husbandry.

g. Drawbar and safety chain. The requirements of Iowa Code section 321.462 apply when one vehicle is being towed by another vehicle.

This rule is intended to implement Iowa Code section 321.383.

[Filed 8/28/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9564C

SECRETARY OF STATE[721]

Adopted and Filed

Rulemaking related to mechanics' notice and lien registry

The Secretary of State hereby amends Chapter 45, "Mechanics' Notice and Lien Registry," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 572.34.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 572.

Purpose and Summary

This rulemaking adds subrules under rules 721—45.4(572) and 721—45.5(572) to adopt specifics for renewing, making inactive, and removing inactive Mechanics' Notice and Lien Registry (MNLR) preliminary notices and notices of commencement of work as required by Iowa Code section 572.34(12).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 28, 2025, as **ARC 9290C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on July 9, 2025, as **ARC 9394C**. A public hearing was held on the following date(s):

- July 30, 2025

There was concern over 30 days being too short a renewal window for the subject notices, and commenters requested that instead the period be changed from 30 days to some period between 60 and 90 days. A request was also made for the Office of the Secretary of State to institute some method of notifying remitters when renewal deadlines are approaching and for improved practical methods and infrastructure for renewal. The same group submitted a letter containing substantially the same comments they brought to the public hearing.

Changes from the Notice have been made to update the length of the renewal windows in subrules 45.4(4) and 45.5(5) from 30 days to 60 days.

Adoption of Rulemaking

This rulemaking was adopted by the Secretary of State on August 15, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend rule 721—45.4(572) as follows:

721—45.4(572) Posting of notice of commencement of work; renewal of notice; inactive notice.

45.4(1) to **45.4(3)** No change.

45.4(4) *Renewal of notice of commencement of work.* A notice of commencement of work may be renewed on the MNLR within 60 days prior to being declared inactive.

45.4(5) *Notice of commencement of work declared inactive.* A notice of commencement of work, if there are no related active postings, shall be declared inactive two years from the date of posting, unless renewed.

45.4(6) *Removal of inactive notice.* A notice of commencement of work shall be removed from the MNLR one year after being declared inactive.

ITEM 2. Amend rule 721—45.5(572) as follows:

721—45.5(572) Posting of preliminary notice; renewal of notice; inactive notice.

45.5(1) to **45.5(4)** No change.

45.5(5) *Renewal of preliminary notice.* A preliminary notice may be renewed on the MNLR within 60 days prior to being declared inactive.

45.5(6) *Preliminary notice declared inactive.* A preliminary notice that remains posted on the MNLR two years after the date of posting shall be declared inactive by the administrator, unless renewed.

45.5(7) *Removal of inactive notice.* A preliminary notice shall be removed from the MNLR one year after being declared inactive.

[Filed 8/15/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9565C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to Iowa industrial new jobs training program

The Workforce Development Department hereby rescinds Chapter 62, "Iowa Industrial New Jobs Training Program," Iowa Administrative Code, and adopts a new Chapter 62 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 260E.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 260E.2.

Purpose and Summary

Chapter 62 provides administrative rules to provide a framework for the operation of the Iowa Industrial New Jobs Training Program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9427C**. Public hearings were held on the following date:

- August 12, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Workforce Development Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM

871—62.1(15,260E) Authority. The authority for rules governing the development of training projects under the Iowa industrial new jobs training Act and the operation of the program is provided in Iowa Code section 260E.7.

871—62.2(15,260E) Purpose. The purpose of the Act is to provide training for employees in new jobs with industries locating or expanding operations in Iowa and an incentive to industries considering locating or expanding operations in Iowa. The goal of the training should be skill development and enhancement for Iowa's workforce. Iowa workforce development is required to coordinate the training programs described in the Act.

871—62.3(15,260E) Definitions.

"Act" means Iowa Code chapter 260E.

"Agreement" means an agreement between an employer and a community college concerning a project and includes any written agreement, or amendment thereto, whether deemed by the parties to be preliminary or final.

"Base year" means, for the purpose of determining incremental property tax available to fund in part the jobs training agreement, the assessment rolls as of January 1 of the year preceding the first written agreement filed with the county assessor where the property is located or such other valuation as may be determined by the appropriate assessor as provided in Iowa Code section 403.19(1)*"c."*

"Department" means Iowa workforce development.

"Expanding industry" means an industry that will require the addition of new jobs that did not exist in that industry in Iowa prior to the signing of an agreement for training and that exceeds the level of employment in that industry six months prior to the date of the agreement.

"Formerly existing jobs" means jobs that were part of the payroll of the industry within the state any of the time during the six months prior to the signing of an agreement for training. Jobs that formerly existed do not qualify for training under the provisions of Iowa Code section 260E.2(15).

"Industry" means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes solely retail, health, or professional services. An industry is a business engaged in activities described as eligible in the Act rather than the generic definition encompassing all businesses in the state doing the same activities. An industry is considered to be a single, corporate entity or operating subdivision. An industry that closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state is not eligible for a project. This definition does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

"New industry" means an industry that has not done business in Iowa or an existing industry implementing a new process and product used or produced for the first time in Iowa, which results in the creation of new jobs not previously available in that industry in the state.

"New job" means a job in a new or expanding industry but does not include jobs of recalled workers or replacement jobs or other jobs that formerly existed in the industry in the state of Iowa. A new job is

defined in the Act, except that an industry in violation of state or federal labor laws or involved in a lockout or strike in Iowa will not be eligible for a training program under the Act.

"New jobs training program" or *"program"* means the project or projects established by a community college for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the community college. The proceeds of the certificates, as authorized by the Act, will be used only to fund program services related to training programs made necessary by the creation of new jobs.

871—62.4(15,260E) Agreements.

62.4(1) *Notification.* The community college will notify the department of all agreements deemed to be final and ready for project funding by entering data and uploading required documentation identified by the department into the 260E Data System within 30 days of execution by all parties. The corresponding official statement will be uploaded by the community college when it is completed. The notice of final agreement will provide all pertinent training services and financial details in the manner determined by the department. The notice will be signed by the community college officials authorized by the college. All written agreements will also be reported and verified through updates by the college, provided in a time frame specified by the department, in the same manner that the annual report is provided to the department. Except where otherwise prescribed in these rules, the department, in conjunction with the community colleges, will develop a format and timetable for reporting relevant information to the department. Such reporting will include but will not be limited to information and official statements with respect to all final agreements and related certificate sales, information regarding college procedures for training agreement review and training project monitoring, and documentation of identified events of default, remedies and repayment policies.

62.4(2) *Additional agreement items.* In addition to the provisions of an agreement described in Iowa Code section 260E.3(1) through 260E.3(5), the agreement will include the following items:

a. The length of time each new job category will be provided on-the-job training.

b. The completion date of all other training.

c. If the supplemental new jobs credit is to be utilized as authorized in Iowa Code section 256.7(14), the agreement must be signed by the business(es), the community college, and the department of revenue for the use of an additional 1.5 percent withholding to educate and train new employees.

62.4(3) *Compliance with department of revenue requirements.* When an agreement for training is deemed final and ready for project funding, the community college will notify the department of revenue within 30 days of the date of execution of the agreement. Notification will be in writing on forms and in the manner determined by the department and is considered complete when entries have been saved in the data system.

If, at any time after notification, the estimates are revised, or if changes are made in the agreement that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

62.4(4) *Allowable cost.* A community college may be reimbursed from certificate proceeds for reasonable administrative costs and legal fees incurred prior to the date of the preliminary agreement. Training costs incurred prior to the date of the preliminary agreement are not reimbursable.

62.4(5) *Cost standards.* The standard vocational preparation guide, as provided in the Dictionary of Occupational Titles for determining classification of jobs and the length of allowable training periods, may be used by a community college in estimating the cost of on-the-job training. Where these standards are not appropriate, reasonable time periods for on-the-job training will be based on the standard vocational preparation guide for similar classifications. Reimbursement of a new employee's wages for on-the-job training will not exceed 50 percent of the new employee's annual gross payroll costs. The maximum project total for on-the-job training will not exceed 50 percent of the total available training proceeds.

62.4(6) *Indirect cost rate.* The community colleges may be reimbursed indirect costs at the rate to be determined annually. The indirect cost rate and procedures will be communicated to the community colleges by the department. The rate will be based on function five and nine expenditures of the Iowa

area community college uniform accounting system. The indirect cost rate will be applied against the total issuance. Acceptable accounting procedures, as determined by the community college with the department and the state auditor, will be followed in claiming indirect costs.

62.4(7) *Equipment.* Equipment required for training will be an allowable provision in a training project as described in Iowa Code chapter 260E. The cost of equipment used in training will be prorated to the project in that proportion chargeable to the training program, and the remainder of the cost of such equipment will be the responsibility of the employer. Proceeds of the certificates will not be used directly or indirectly to finance land, facilities or depreciable property to be owned by the employer or other private person.

871—62.5(15,260E) Resolution on incremental property tax.

62.5(1) A copy of the resolution by the board of directors of the community college, as described in Iowa Code section 260E.4, will be forwarded to the county auditor(s) affected by it within the merged area.

62.5(2) A community college board of directors anticipating the use of the incremental property tax as a source of funding for an eligible training program is referred to in Iowa Code sections 403.19 and 403.21 and will follow procedures as described therein as provided in Iowa Code section 260E.4.

871—62.6(15,260E) New jobs withholding credit.

62.6(1) *Notification of payments and claims for credit.* Withholding credit for payments to community colleges will be claimed by an employer on the semimonthly, monthly, or quarterly deposit forms during the calendar quarter in which payment is made to a community college. No credit may be claimed until the payment has been made to a community college. The community college will notify the department of revenue by making applicable entries in the 260E Data System within 30 days following the end of a calendar quarter of payments covering withholding credits that have been received for the quarter. If a credit is claimed by an employer and payment is not made to the community college, the amount of credit will be considered to be a delinquent withholding liability and will be subject to assessment of tax, penalty, and interest according to the provisions of Iowa Code section 422.16(10).

62.6(2) *Notification of termination of credit.* Community colleges will notify in writing the department of revenue and the department within 30 days when it is determined that payments for job training withholding credits will no longer be applied against the costs of a project. At project completion, any excess payments for job training withholding credits received by the community college will be forwarded to the department of revenue.

871—62.7(15,260E) Notice of intent to issue certificates. The notice of intent to issue certificates as provided in Iowa Code section 260E.6(5) will be published by the community college in a legal newspaper in the merged area. The application for an allocation of Iowa industrial new jobs training certificates should be submitted to the department, in the format determined by the department and by an official of the community college or by an attorney or agent of the community college, prior to the issuance of certificates for that portion of the issuance that is tax-exempt. Notice of issuance of certificates should be filed with the department within ten days of the issuance and delivery of certificates.

871—62.8(15,260E) Standby property tax levy. A standby property tax levy may be collected at any time other funds are insufficient as provided in Iowa Code section 260E.6(4). The county auditor will be notified by the community college board of directors on an annual basis to adjust the annual standby tax.

871—62.9(15,260E) Reporting. An annual report will be completed by the community college on or before September 15. The format and content will be determined by the department. The report will include training dollar expenditures and names of the providers of the training conducted, the number of pledged new job employees filled, provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

871—62.10(15,260E) Monitoring.

62.10(1) *Monitoring system.* Each community college will establish a monitoring system that includes, at a minimum, a review of the business's compliance with the Act, these rules and the training agreement.

62.10(2) *Annual review.* Monitoring will be conducted by the community colleges at least annually.

62.10(3) *Documentation.* Each community college will document its monitoring efforts and promptly notify the department, on the forms provided, whenever it identifies an event of default.

871—62.11(15,260E) State administration. The community colleges will submit 1 percent of the gross sale of certificates within 30 days of receipt of proceeds from a sale of certificates to the department to defray administrative costs.

871—62.12(15,260E) Coordination with communities. The community colleges will follow the provisions of Iowa Code section 403.21.

871—62.13(15,76GA,SF2351) Supplemental 1.5 percent withholding. For the purposes of determining new jobs training programs established under Iowa Code section 260J.1 eligible to receive a supplemental new jobs credit of 1.5 percent of gross wages from withholding, the following criteria will be met:

62.13(1) Only those new jobs training programs established by a 260E final agreement, approved by the community college board of directors after June 30, 1996, and that include a provision for a supplemental new jobs credit from withholding from jobs created under the agreement are eligible for the supplemental credit.

62.13(2) The department will make available to the community colleges the applicable laborshed wages at the beginning of each state fiscal year for use in determining supplemental withholding credit eligibility for that fiscal year.

62.13(3) For the purposes of determining eligibility for the supplemental credit, starting wages for a new job will be determined on a one-time basis by the community college as follows:

a. The employer will agree, as a part of the final agreement, to pay starting wages that are equal to or greater than the laborshed wages.

b. Only those individual jobs for which the starting wage is equal to or greater than the laborshed wages are eligible for the supplemental new jobs credit from withholding.

c. For purposes of comparing starting wages to the laborshed wages, the community college will reduce the annual gross wages to be paid for the job to an hourly wage based upon a 40-hour workweek.

d. Such determination by the community college will be conclusive and the individual job will thereafter be eligible and may be used for the supplemental credit from withholding to fund the supplemental project under the agreement.

e. Future annual changes in laborshed wages will not affect the eligibility of those jobs that have been determined by the community college to be eligible at the time of final agreement for a project.

62.13(4) The community college may require the employer to supply appropriate payroll records and projections to verify eligibility of the supplemental credit.

This rule is intended to implement the provisions of 1996 Iowa Acts, Senate File 2351, section 8, effective July 1, 1996, and does not affect agreements that do not contain a provision for a supplemental new jobs credit from withholding.

These rules are intended to implement Iowa Code chapter 260E and Iowa Code chapter 403 as it relates to Iowa Code chapter 260E.

[Filed 8/27/25, effective 10/22/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9566C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to Iowa jobs training program

The Workforce Development Department hereby rescinds Chapter 63, "Iowa Jobs Training Program," Iowa Administrative Code, and adopts a new Chapter 63 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 260F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 260F.

Purpose and Summary

These rules govern the development of training programs under the Iowa Jobs Training Act provided in Iowa Code chapter 260F.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9428C**. Public hearings were held on the following date:

- August 12, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Workforce Development Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 63 and adopt the following **new** chapter in lieu thereof:

CHAPTER 63
IOWA JOBS TRAINING PROGRAM

871—63.1(260F) Authority. The authority for establishing rules governing the development of training projects under the Iowa jobs training Act is provided in Iowa Code chapter 260F.

871—63.2(260F) Purpose. The purpose of the Act is to foster the growth and competitiveness of Iowa's workforce and industry by ensuring that Iowa's workforce has the skills and expertise to compete with any workforce outside the state of Iowa.

871—63.3(260F) Definitions.

"Act" means Iowa Code chapter 260F.

"Certification" means the community college and business agree that the information contained in the application is accurate. The certification also gives the department permission to research the history of the business and perform other related activities necessary for the evaluation of the application.

"Community college consortium" means two or more businesses located in the same community college district that share a common training need.

"Department" or *"Iowa workforce development"* means the department of workforce development created in Iowa Code section 84A.1.

"Eligible business" or *"business"* means a business training employees that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, warehousing or wholesaling products, conducting research and development, or providing services in interstate commerce but excludes solely retail, health, or professional services and that meets the other criteria established by the department. A business engaged in the provision of services must have customers outside of Iowa to be eligible. The business site to receive training must be located in Iowa. "Eligible business" does not include a business whose training costs can be economically funded under Iowa Code chapter 260E, a business that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state, or a business that is involved in a strike, lockout, or other labor dispute in Iowa. If a business closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state, then the business is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

"Employee" means a person currently employed by a business who is to be trained. An employee for whom training is planned must hold a current position intended by the employer to exist on an ongoing basis with no planned termination date. Training is available only to an employee who is hired by the business, who is currently employed by the business, and for whom the business pays withholding tax. However, "employee" does not include a person with executive responsibilities, a replacement worker who is hired as a result of a strike, lockout, or other labor dispute in Iowa, or an employee hired as a temporary worker. "Employee" does include a person with executive responsibilities if such person works in both an executive- and employee-based capacity for a small business with a total labor force of fewer than 50 persons.

"Program services" includes but is not limited to the following:

1. Training of employees;
2. Adult basic education and job-related instruction;
3. Career and technical skill assessment services and testing;

4. Training facilities, equipment, materials, and supplies;
5. Administrative expenses for the jobs training program;
6. Subcontracted services with institutions governed by the state board of regents, private colleges or universities, or other federal, state, or local agencies;
7. Contracted or professional services;
8. Training-related travel and meals.

"Project" means a training arrangement that is the subject of an agreement entered into between a community college and an eligible business to provide program services.

871—63.4(260F) Program funding.

63.4(1) Program funds consist of any moneys allocated by the department for the purpose of this program, all repayments of loans or other awards or recaptures of awards, and earned interest, including interest earned on program funds held by the community colleges.

63.4(2) A community college 260F account is established in the department. The allocation of funds in this account to the community colleges will be determined using the distribution formula established in Iowa Code section 260C.18C.

63.4(3) Any unexpended or uncommitted funds remaining in the community college 260F account on May 1 of the fiscal year will revert to a general account to be available on a first-come, first-served basis, based on the date an application is received by the department.

871—63.5(260F) Funding for projects that include one business.

63.5(1) The maximum award that may be approved for each project at a business site is $50,000 in a fiscal year.

63.5(2) A business site may be approved for multiple projects, but the total of the awards for two or more projects will not exceed $100,000 within a three-year period. The three-year period will begin with the department approval date of the first project approved within the three-year period.

63.5(3) Awards will be made in the form of forgivable loans.

63.5(4) Financial assistance awarded to a project must be based on the actual cost of allowable services as identified in rule 871—63.9(260F).

63.5(5) Funds requested must be commensurate with training needs. Program funds shall not be used to provide cash flow to a business.

63.5(6) Community colleges issue the proceeds of an award to a business on a reimbursement basis or directly pay for training expenses from the college-administered separate program account.

871—63.6(260F) Funding for projects that include multiple businesses.

63.6(1) A community college consortium of two or more businesses as defined in rule 871—63.3(260F) is eligible for a maximum award of $100,000 per training project.

63.6(2) Participation in a community college consortium does not affect a business site's financial eligibility for individual project assistance.

871—63.7 and **63.8** Reserved.

871—63.9(260F) Use of program funds.

63.9(1) The following costs associated with the administration of any project are eligible for program funding:

a. Community college administrative costs associated with the development and operation of a project, not to exceed 15 percent of the project cost.

b. Legal fees.

63.9(2) The costs associated with the provision of program services for any project are eligible for program funding.

63.9(3) Reimbursement of employee wages while the employee is in training is not allowed.

63.9(4) Production equipment, when used for training, may be an allowable cost. The cost of equipment used in training but subsequently used in production will be prorated, as identified in rule 871—64.12(15,76GA,ch1180), with the percentage of "used in production" cost paid by the business.

63.9(5) A community college may use funds awarded to a project to cover reasonable administrative costs and legal fees for that project.

63.9(6) A community college may not use funds from one project's program award to cover any costs incurred by another project.

871—63.10(260F) Use of 260F earned interest.

63.10(1) The community college is authorized to use interest earned on program funds to pay administrative costs incurred as a result of administering the program. Administrative costs include all costs incurred from the time the application process commences minus any costs covered by application fees paid by applicants.

63.10(2) Earned interest that has not been spent by the end of any state fiscal year will be refunded to the department within ten days of the end of the state fiscal year. The community college may designate and carry forward specified interest funds, as permitted by these rules, for identified payments that will occur during the next state fiscal year.

871—63.11 Reserved.

871—63.12(260F) Separate account. The community college will establish a separate program account to document all program transactions and from which repayments for loans will be made to the department.

871—63.13 to **63.17** Reserved.

871—63.18(260F) Agreement of intent.

63.18(1) An agreement of intent allows training to start on a specific date.

63.18(2) A community college and a business sponsor may but are not required to enter into a letter of intent.

63.18(3) A community college and a business that enter into an agreement of intent will use Agreement of Intent, Form 260F-2.

63.18(4) An agreement of intent will remain in effect for a maximum of one calendar year from the date of the letter. An agreement of intent for one project does not establish the commencement date for subsequent projects.

871—63.19(260F) Project commencement date. The earliest date on which program funds may be used to pay training expenses incurred by the project is the effective date of the agreement of intent or the date the application is received by the department, whichever is first.

871—63.20(260F) Application process.

63.20(1) An application for training assistance must be submitted to the department by a community college on behalf of a business. An application will not be accepted by the department if submitted directly by a business.

63.20(2) Community colleges use Application for Assistance, available in the 260F data system, to apply for 260F business assistance.

63.20(3) Required contents of the application will be described in the application package.

63.20(4) Applications must be submitted via the 260F data system to the department.

63.20(5) The department will score applications according to the criteria specified in rule 871—63.21(260F).

63.20(6) To be funded, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified elsewhere in these rules.

63.20(7) The department may approve, reject, or defer an application.

63.20(8) The department reserves the right to require additional information from the business.

63.20(9) Application approval is contingent on the availability of funds. The department will reject or defer an application if funds are not available.

871—63.21(260F) Application scoring criteria.

63.21(1) The criteria used for scoring 260F business or consortium applications and the points for each criteria are as follows:

a. The business has a plan for future potential growth and product diversification. 10 points.

b. The majority of the business's employees are permanent full-time. 10 points.

c. Average wages for employees are at or above the laborshed wages for the business's location. 10 points.

d. The business provides a cash match of 25 percent or greater. 10 points.

e. The application explains why the business needs the training identified in the training plan. 10 points.

f. The application explains how the training will contribute to the continued existence of the business. 10 points.

g. The application identifies which skills the employees will acquire from the training and how the skills will increase the employees' marketability. 5 points.

h. The average cost of training per employee is comparable to the cost of training at Iowa community colleges or universities. 5 points.

i. The application documents that all considerations, including funding required to begin the training project, have been addressed. 5 points.

j. The employer provides health insurance and at least one other employee benefit. 5 points.

k. Employee skills, knowledge, and abilities will be improved as a result of this training. 10 points.

l. The business's competitive stance will be improved as a result of this training. 10 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria.

63.21(2) The criteria used for scoring a college business consortium and the points for each criterion are as follows:

a. The training will have a positive impact on the skills, knowledge and abilities of trainees. 29 points.

b. The training will help improve the competitive stance of participating businesses or the industry for which training is being provided. 28 points.

c. The training will result in economic benefits for the state. 28 points.

d. The average of the average wage rates for the businesses participating in the project is above the state average wage rate, which will be computed using the current county average wage rates. 10 points.

e. The project cost of training per employee does not exceed comparable costs for training at a state of Iowa community college or university. 5 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria.

871—63.22(260F) Training agreement.

63.22(1) A community college will enter into a training agreement with the business(es), lead business, or lead organization within 90 days of written notice of application approval from the department, using Training Agreement, Form 260F-4, for 260F business-driven projects.

63.22(2) A business will not modify any provision of the agreement without the written approval of the community college.

63.22(3) The community college, with the written consent of the business, has the authority to modify all provisions of the agreement except for 260F business, business network and consortium project modifications that result in a reduction of the number of employees to be trained or that significantly change the training program.

63.22(4) The community college and the business are authorized to change the ending date of training, training provider, or other minor modifications to the training program. All modifications must be uploaded to the 260F data system prior to the ending date of training. If the modification authorizes a change of the ending date of training, the modification must be uploaded to the 260F data system prior to the original ending date of training. For example, if a training agreement specifies an ending date of training of December 31, 2018, and a community college and business agree to extend the ending date of training to December 31, 2019, then the modification must be uploaded prior to December 31, 2018.

63.22(5) Modifications of 260F business and consortium projects that result in a reduction of the number of employees to be trained or change the training program content must be approved by the department, community college, and business.

63.22(6) The agreement will not be modified in any way that would result in a violation of Iowa Code chapter 260F.

871—63.23(260F) Special requirements for community college consortium projects.

63.23(1) The community college will submit the Consortium Application for Assistance, available on the 260F data system, to the department for project approval.

63.23(2) The community college will enter into a training agreement with the consortium within 90 days of written notice of application approval from the department, using Consortium Training Agreement, Form 260F-4A.

63.23(3) All default provisions specified in rule 871—63.30(260F) apply to consortium projects.

63.23(4) In the event of a default, a financial penalty may be assigned by the department to the consortium business or businesses identified by the community college as being responsible for the default.

63.23(5) Each business that participates in the consortium will complete a Final Performance Report, Form 260F-5, at the completion of training as a condition of the loan being forgiven.

871—63.24(260F) Events of default.

63.24(1) A business that fails to complete the training project within the agreed period of time as specified in the training agreement will be required to repay 20 percent of total project funds expended by the community college and the business.

63.24(2) A business that fails to train the agreed number of employees as specified in the training agreement will be required to repay a proportionate amount of total project funds expended by the community college and the business. The proportion will be based on the number of employees who have not been trained compared to the number of employees who have been trained.

63.24(3) If both events in subrules 63.24(1) and 63.24(2) occur, both penalties apply.

63.24(4) A business that fails to comply with any requirements contained in the training agreement will be sent written notice by the community college that specifies the issue(s) of noncompliance, and the business will be allowed 20 days from the date notice is sent to effect a cure. If noncompliance is of such a nature that a cure cannot be reasonably accomplished within 20 days, the community college has the discretion to extend the period of cure to a maximum of 60 days.

63.24(5) A business ceases or announces the cessation of operations at the project site prior to completion of the training program.

63.24(6) A business directly or indirectly makes any false or misleading representations or warranties in the program application or training agreement, reports, or any other documents that are provided to the community college or the department.

63.24(7) A business acts in any manner contrary to, or fails to act in accordance with, any provision of the training contract.

63.24(8) A business takes corporate action to effect any of the preceding conditions of default.

871—63.25(260F) Options and procedures on default.

63.25(1) The community college will notify the department whenever the community college determines that an event of default has occurred or is likely to occur.

63.25(2) The community college will document its efforts to reconcile the condition(s) responsible for the default and will provide the department with copies of all related correspondence and documents of the community college and the business.

63.25(3) The community college will notify the department when it has determined that an event of default cannot be cured.

63.25(4) When notice of failure to cure the default is received from the community college, the department will communicate with the business, in writing, in an attempt to resolve the default.

63.25(5) When the department's efforts to reconcile are successful, the department will notify the community college, in writing, to continue project operations. Continuation of project operations may be subject to new conditions imposed by the department as part of the reconciliation.

63.25(6) When the department's efforts to reconcile are unsuccessful and upon the department's request, the community college will assign the agreement to the department for appropriate proceedings at which time the department will institute collection procedures or notify the attorney general to initiate appropriate legal actions.

63.25(7) When a community college assigns an agreement to the department for a project declared to be in default, the community college will return all remaining 260F funds to the department within 45 days of assignment.

871—63.26(260F) Remedies upon default.

63.26(1) When a community college determines that a business is in default, and the default has not been cured within the time period stated in the contract, the community college is authorized to withhold training funds and payments to the business without notice to the business.

63.26(2) The attorney general may take whatever action at law or in equity as necessary and desirable to satisfy the default.

63.26(3) No demand of amount due, from the community college to the business written or otherwise, is required to establish the business's financial liability.

63.26(4) No remedy conferred upon or reserved to the community college, the department, or the attorney general by the Act, these rules, or the training agreement is intended to be exclusive of any other current or future remedies existing in law, in equity, or by statute.

63.26(5) Any delay or omission by the community college, the department, or the attorney general to exercise any right or power prescribed by the Act, these rules, or the training agreement does not relinquish or diminish the department to act and does not constitute a waiver of default status. Any such right or power may be exercised at any time required and as often as may be deemed expedient.

63.26(6) Unless required by these rules, neither the community college, department, nor attorney general is required to provide written or other notice to the business regarding any circumstance related to and including a declaration of an event of default.

63.26(7) In the event any requirement of the Act, these rules, or the training agreement, relating to a default, should be breached by either party and then waived by the other party, such waiver will be limited to the specific breach being waived and will have no bearing on any subsequent breach.

871—63.27(260F) Return of unused funds. The community college will return all unused funds to the department within 45 days of project completion or within 45 days after being notified by the department that a project is in default.

871—63.28(260F) Open records. Information submitted to the department is subject to Iowa Code chapter 22, the public records law. Applications for training funds submitted to the department are available for public examination. If a business provides information that the business believes contains trade secrets recognized and protected as such by law, or the release of which would give an advantage to competitors and serves no public purpose or which meets other provisions for confidential treatment as authorized in Iowa Code section 22.7, and establishes that such information is subject to confidential treatment under Iowa Code section 22.7 or as otherwise provided for by law, then such information shall be kept confidential. 871—Chapter 3 describes how a person may request a record to be treated as confidential and withheld from public examination. Businesses requesting confidential treatment of

certain information submitted to the department will follow the procedures described in 871—Chapter 3. The department will process such requests as outlined in 871—Chapter 3.

871—63.29(260F) Required forms. The community college is required to complete and upload the following forms, as applicable, within the 260F data system:

1. General Application for Assistance, Form 260F-1;
2. Consortium Application for Assistance, Form 260F-1A;
3. Agreement of Intent, Form 260F-2;
4. Request for Release of Funds, Form 260F-3;
5. Training Agreement, Form 260F-4;
6. Consortium Training Agreement, Form 260F-4A;
7. Performance Report, Form 260F-5;
8. Notice of Possible Default, Form 260F-6;
9. Declaration of Default, Form 260F-7;
10. College and Business Certification, 260F-8;
11. Environmental Quality Form, to include a Solid Waste Plan and Hazardous Waste Plan (if applicable), Form 260F-9.

These rules are intended to implement Iowa Code chapter 260F.

[Filed 8/27/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9567C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to accelerated career education (ACE) program

The Workforce Development Department hereby rescinds Chapter 68, "Accelerated Career Education (ACE) Program," Iowa Administrative Code, and adopts a new Chapter 68 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 84A and 260G.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 260G.

Purpose and Summary

The 260G (ACE) program provides businesses with a skilled workforce. Through 260G funding, community colleges offer programming to train individuals in needed occupations in Iowa.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9429C**. Public hearings were held on the following date:

- August 12, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Workforce Development Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 68 and adopt the following **new** chapter in lieu thereof:

CHAPTER 68
ACCELERATED CAREER EDUCATION (ACE) PROGRAM

871—68.1(260G) Purpose. The ACE program is designed to provide businesses with an enhanced skilled workforce in Iowa. The program assists Iowa's community colleges in establishing or expanding programs that train individuals in the occupations most needed by Iowa businesses.

871—68.2(260G) Definitions.

"260G data system" means the data system established by the department to record and submit data, upload documentation, and track programs and agreements.

"Accelerated career education program" or *"ACE program"* means the program established pursuant to Iowa Code chapter 260G and administered by the department.

"Allotment" means the distribution of program job credits among the community colleges in accordance with Iowa Code section 260C.18C.

"Community college board" means the governing board of a merged area as defined in Iowa Code section 260C.11.

"Department" means Iowa workforce development created in Iowa Code section 84A.1.

"Program" means a program of instruction designed by a community college that has been designated by a community college board and approved by the department as meeting the requirements of Iowa Code section 260G.4.

"Program agreement" means an agreement between an employer and a community college as described in Iowa Code section 260G.3.

"Program job credit" means a credit that an employer may claim against all withholding taxes due in an amount up to 10 percent of the gross program job wage of a program job position as authorized in an agreement between a community college and an employer.

"Program services" means services that include all of the following provided they are pursuant to a program agreement: program needs assessment and development, job task analysis, curriculum development and revision, instruction, instructional materials and supplies, computer software and upgrades, instructional support, administrative and student services, related school to career training programs, skill or career interest assessment services and testing and contracted services.

871—68.3(260G) Program eligibility and designation.

68.3(1) In order to receive an allotment of program job credits, a community college must designate an eligible program. All programs must demonstrate increased capacity to enroll additional students. To be eligible, a program must be either:

a. A credit career or technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree; or

b. A credit-equivalent career or technical education program consisting of not less than 540 contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential.

68.3(2) A community college board will designate and approve an eligible program by resolution. The community college board of directors will ensure compliance with Iowa Code chapter 260G.

68.3(3) The department will review and approve all program designations and maintain a record of all approved programs.

871—68.4(260G) Funding allocation.

68.4(1) *Base allocation.* The department will allocate the total amount of program job credits authorized and available to each community college for each fiscal year based on the formula established in Iowa Code section 260C.18C. For purposes of such allocation, the applicable ratios will be applied to commitments made by community colleges at the beginning of each fiscal year.

68.4(2) *Allotment of uncommitted funds.* Each community college will commit its allotment of program job credits as of April 1 of each fiscal year. Program job credits are considered committed if there is an executed program agreement or if there is a statement of intent that a program agreement will be executed by May 1 of the current fiscal year. Uncommitted funds will be reallocated on a first-come, first-served basis to other community colleges with executed program agreements that have not received all of the program job credits required. Funds that remain uncommitted as of June 30 will be reallocated based on the formula established in Iowa Code section 260C.18C for use during the following fiscal year.

68.4(3) *Department role.* The department will calculate and report to each community college its allotment. The department may deny the allocation of program job credits to any program that fails to comply with Iowa Code chapter 260G. The department will maintain records of the proposed program job credits under each agreement for each fiscal year.

68.4(4) *Submission of program agreements.* A community college will submit program agreements via the 260G data system to access its allotment of program job credits.

68.4(5) *Total amount of program job credits in any one fiscal year.* The total amount of program job credits from all employers that will be allocated for all programs in any one fiscal year will not exceed the amount specified in Iowa Code section 260G.4B(1).

871—68.5(260G) Program job credits.

68.5(1) *Eligibility.* To be eligible to receive program job credits, an employer will demonstrate it has met the following requirements:

a. The program agreement must provide for pledged program positions paying at least 200 percent of the federal poverty level for a family of two as calculated at the time of approval of the agreement or any renewal. If the wage designated is to become effective after a training or probationary period, the employer must document that there is a plan in place regarding time frames for transition to the

permanent full-time wage, and the employer must provide documentation that these time frames are reasonable and that the employer has previously adhered to the time frames.

b. The program agreement must establish a 20 percent employer cash or in-kind match for program costs.

68.5(2) *Determination of job credit amounts.*

a. Program job credits will be based upon the program job positions identified in the program agreement. No costs incurred prior to the effective date of a program agreement may be reimbursed or eligible for program job credits.

b. Eligibility for program job credits will be based on certification of program job positions and program job wages by the employer at the time established in the agreement.

c. An amount up to 10 percent of the gross program job wages as certified by the employer in the agreement will be credited from the total payment made by an employer pursuant to Iowa Code section 422.16.

d. The employer will remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and, when collected, paid into a special fund of the community college to pay, in part, the program costs.

e. When the program costs have been paid, the employer credits are to cease. Any moneys received after the program costs have been paid will be remitted to the treasurer of state to be deposited in the general fund of the state.

68.5(3) *Certification to department of revenue.*

a. The employer will certify to the department of revenue that the program job credits are in accordance with the program agreement and will provide other information the department may require.

b. The department will certify to the department of revenue on behalf of the community colleges that the amount of the program job credits is in accordance with each program agreement and will provide other information the department of revenue may require.

871—68.6(260G) Program agreements and administration.

68.6(1) Program agreements will be developed by an employer and a community college. The development of the program agreements may be facilitated by an entity representing a group of employers. If a bargaining unit is in place with the employer pledging the jobs, a representative of the bargaining unit may take part in the development of the program agreement. All participating parties must sign the program agreement. The program agreement must include employer certification of contributions that are made toward the program costs.

68.6(2) A program agreement will include, at a minimum, the following terms:

a. Match provided by the employer;

b. Tuition, student fees, or special charges fixed by the community college board;

c. Guarantee of employer payments;

d. Type and amount of funding sources that will be used to pay for program costs;

e. Description of program services and implementation schedule;

f. The term of the agreement, not to exceed five years;

g. The employer's agreement to interview graduates for full-time positions and provide hiring preference;

h. For employers with more than four sponsored participants, certification that a job offer will be made to at least 25 percent of those participants who complete the program;

i. An agreement by the employer to provide a wage level of no less than 200 percent of the federal poverty guideline for a family of two;

j. A provision that the employer does not have to fulfill the job offer requirement if the employer experiences an economic downturn;

k. A provision that the participants will agree to interview with the employer following completion of the program; and

l. Default procedures.

68.6(3) Program agreements will be submitted to the department via the 260G data system. Program agreements will document the findings of the community college that all program and employer eligibility requirements have been met. The department will review agreements for issues of quality. The department will maintain a record of all approved agreements.

68.6(4) Term, amendments, and renewals.

a. Term. The term of a program agreement will not exceed five years from the effective date of the agreement. Once a program agreement is approved, the department will obligate job credits, contingent upon the availability of funding, for each year of the term of the agreement.

b. Amendments. A program agreement can be amended only with the consent of both parties and approval by the department. A program agreement can be amended to extend the term of the agreement a maximum of two years.

c. Renewals. A program agreement may be renewed upon completion of its approved term. The community college must demonstrate the program meets the eligibility requirements in Iowa Code section 260G.4, including increased program capacity, as of the date of approval of renewal by the department. A renewed agreement, including exhibits, will be entered and uploaded into the 260G data system. In order to renew an agreement, the following budgeted items and employer commitments will be updated:

(1) Sponsored positions;
(2) Program costs;
(3) Changes in tuition;
(4) Other fees;
(5) Changes in salaries and expenses;
(6) Federal poverty thresholds;
(7) Income;
(8) Employer match amounts;
(9) Any other items identified by the department.

68.6(5) The 260G data system will automatically assign a 12-digit agreement number once the agreement data is entered and approved. The agreement number will remain the same if an approved agreement is extended or otherwise amended. Program agreements that are renewed pursuant to paragraph 68.6(4)*"c"* will be assigned a new 12-digit number.

68.6(6) The department will provide information about the ACE program in accordance with its annual reporting requirements.

68.6(7) Each community college will establish a monitoring system that includes, at a minimum, a review of employers' compliance with the Iowa Code, these rules, and the program agreement. Monitoring will be conducted at least annually by community colleges with active program agreements. Each community college will document its monitoring efforts and promptly notify the department of any changes.

68.6(8) Coordination with other state agencies.

a. Department of revenue. When a program agreement is approved for funding, the community college will notify the authority through the 260G data system, and the department will notify the department of revenue on behalf of the community college within 30 days of the date of its approval. Information to be provided to the department of revenue includes but is not limited to program agreement number, employer name, employer address, start and expiration dates, federal employer identification number, Iowa withholding permit number, wages, sponsored positions, and approved amount of program job credits. If, at any time after a program agreement is approved, changes are made that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

b. Department of education. Community colleges and the department will provide program data to the department of education as required.

68.6(9) Program costs for new and renewal program agreements will be calculated or recalculated based on the required program services for a specific number of participants. Program agreement updates reflecting this recalculation must be submitted to the department to review compliance.

These rules are intended to implement Iowa Code chapter 260G.

[Filed 8/27/25, effective 10/22/25]
[Published 9/17/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9568C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to innovative businesses internship program

The Workforce Development Department hereby rescinds Chapter 69, "Innovative Businesses Internship Program," Iowa Administrative Code, and adopts a new Chapter 69 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 15.411.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.411.

Purpose and Summary

The purpose of these rules is to clarify the requirements of utilizing the funding of and administering Iowa's Innovative Businesses Internship Program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9430C**. Public hearings were held on the following date:

- August 12, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Workforce Development Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 69 and adopt the following **new** chapter in lieu thereof:

CHAPTER 69
INNOVATIVE BUSINESSES INTERNSHIP PROGRAM

871—69.1(15) Authority. The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section 15.411(4).

871—69.2(15) Purpose. The purpose of the innovative businesses internship program is to link Iowa students to internship opportunities with innovative small- and medium-sized firms and to help such students convert their internships into employment opportunities.

871—69.3(15) Definitions.

"Board" means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

"Committee" means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

"Community college" means a community college established under Iowa Code chapter 260C.

"Department" means Iowa workforce development created in Iowa Code section 84A.1.

"Director" means the director of Iowa workforce development.

"Innovative business" means the same as defined in Iowa Code section 15E.52(1)*"c."*

"Internship" means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

"Program" means the innovative businesses internship program established in this chapter.

"Prospective employee" means a student who is anticipated to be hired upon graduation.

"Student" means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but attends an institution of higher learning outside the state of Iowa.

871—69.4(15) Program funding.

69.4(1) The maximum award amount that may be awarded for any single internship is $3,100 or $9,300 to any one employer.

69.4(2) Funds are to be used for reimbursement of wages during the designated internship period. Employers will pay students hired as interns an hourly wage that is at least twice the minimum wage.

69.4(3) The department will award funds to a business based upon department approval of a completed application and the execution of a contract between the business and the department.

69.4(4) A business may receive financial assistance on a matching basis for a portion of the wages paid to an intern. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the business is matched by one dollar from the department.

871—69.5(15) Eligible business. Eligible businesses may apply to the department for assistance under the program. The program is available to Iowa businesses that meet all of the following criteria:

69.5(1) The business is an Iowa-based business with fewer than 500 employees, with a significant portion employed within the state of Iowa.

69.5(2) The business is engaged in an innovative business.

69.5(3) The business offers the internship to students.

69.5(4) The business's summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the business's semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

871—69.6(15) Ineligible business. The following businesses are not eligible for this program:

69.6(1) A business that is engaged in retail sales or that provides health services.

69.6(2) A business that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

871—69.7(15) Eligible students. Students who are within one to two years of graduation and enrolled at one of Iowa's community colleges, private colleges, or institutions of higher learning under the control of the state board of regents are eligible. A student as defined in this chapter is eligible for an internship under this rule. The department will encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the program.

871—69.8(15) Ineligible students. Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—69.7(15) are not eligible.

871—69.9(15) Application submittal and review process.

69.9(1) The department will develop a standardized application and make the application available to eligible businesses. To apply for assistance under the program, a business will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

69.9(2) Applications will be reviewed and scored by department staff. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

871—69.10(15) Application content and other requirements.

69.10(1) A business seeking assistance under the program will submit a complete application to the department. Successful applicants will enter into a contract with the department prior to posting or advertising the internship.

69.10(2) If an award is made, the business will secure an intern or interns within the time period stated in the contract between the department and the business.

69.10(3) The application will include but not be limited to all of the following:

a. The dates and location of the internship.

b. A statement of duties the intern will perform at the business site and how the duties correlate to a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. The application will also include information regarding the intern's work space (e.g., access to telephone, computer, and other necessary items).

c. The name of the business's representative who will train and supervise the intern.

d. A statement of the anticipated workforce needs at the business and the student's potential for prospective employment with the business following graduation.

69.10(4) The department reserves the right to require additional information from the business.

871—69.11(15) Selection process. Applications will be reviewed in the order received by the department. The director may approve, defer or deny each application for financial assistance based on the availability of funds. The department will score applications according to the criteria specified in rule 871—69.12(15). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

871—69.12(15) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

69.12(1) The extent to which the student is involved in a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. 25 points.

69.12(2) The quality and sufficiency of the explanation of the business's anticipated workforce needs and of the student's potential for prospective employment with the business following graduation. 20 points.

69.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the business's goals or processes. 10 points.

69.12(4) The extent to which the internship will have a positive impact on the intern's skills, knowledge and abilities. 15 points.

69.12(5) The extent to which the internship pays more than twice the minimum wage. 10 points.

69.12(6) The business's contribution to the internship program is above the minimum program match requirement. 10 points.

69.12(7) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

69.12(8) Whether the application establishes that all considerations, including funding required to begin the internship, have been addressed. 5 points.

871—69.13(15) Contract and reporting.

69.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

69.13(2) *Contract required.* The department will execute a standard contract, which includes but is not limited to a description of the internship to be completed, conditions to disbursement, required reports, the applicable events of default, the repayment requirements imposed in the event of default, and other specific repayment provisions that may be established from time to time on a case-by-case basis.

69.13(3) *Reporting.* A business that has been awarded assistance under the program will submit any information requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

69.13(4) *Contract amendments.* The board does not need to approve a contract amendment. The director may approve contract amendments consistent with Iowa Code section 15.106C.

These rules are intended to implement Iowa Code section 15.411(4).

[Filed 8/27/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

ARC 9569C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to science, technology, engineering, and mathematics (STEM) internship program

The Workforce Development Department hereby rescinds Chapter 75, "STEM Internship Program," Iowa Administrative Code, and adopts a new Chapter 75 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 15.411.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.411.

Purpose and Summary

The purpose of these rules is to clarify the requirements of utilizing the funding of and administering Iowa's STEM Internship Program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9431C**. Public hearings were held on the following date:

- August 12, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Workforce Development Department on August 27, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on October 22, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 75 and adopt the following **new** chapter in lieu thereof:

CHAPTER 75
STEM INTERNSHIP PROGRAM

871—75.1(15,85GA,ch1132,86GA,SF510) Authority. The authority for adopting rules establishing a STEM internship program is provided in Iowa Code sections 15.411(5) and 15.106A.

871—75.2(15,85GA,ch1132,86GA,SF510) Purpose. The purpose of the STEM internship program is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers.

871—75.3(15) Definitions.

"Board" means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

"Committee" means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

"Community college" means a community college established under Iowa Code chapter 260C.

"Department" means Iowa workforce development created in Iowa Code section 84A.1.

"Designated internship period" means the summer or semester during which a student is employed in an internship.

"Director" means the director of Iowa workforce development.

"Employer" means any enterprise located in this state that is operated for profit and under a single management.

"Internship" means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

"Program" means the STEM internship program established in this chapter.

"STEM field" means a major course of study within the field of science, technology, engineering, or mathematics or a related field. For purposes of this chapter, "STEM field" includes all majors and academic or degree programs listed on the ACT-defined STEM majors and occupations by area list. The ACT-defined STEM majors and occupations by area list may be found at www.act.org. If a student has declared a major or is enrolled in an academic or degree program not listed on the ACT-defined STEM majors and occupations by area list, the student may still be found eligible for participation in the program if, in the department's sole discretion, the student's major is substantially similar to a major that is listed on the ACT-defined STEM majors and occupations by area list.

"Student" means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa.

871—75.4(15,85GA,ch1132,86GA,SF510) Program funding and disbursement.

75.4(1) The maximum amount that may be awarded to an employer for any one internship is $5,000. The maximum amount that may be awarded to any one employer in any one fiscal year is $50,000.

75.4(2) Funds are to be used for reimbursement of wages paid during the designated internship period. An employer will pay students hired as interns an hourly wage that is at least twice the minimum wage.

75.4(3) The department will award funds to an employer only after approval of a completed application and execution of a contract between the employer and the department. The department will have sole discretion in determining whether an application is fully complete.

75.4(4) An Iowa employer may qualify for financial assistance under the program on a matching basis for a portion of the wages paid to an intern during the designated internship period. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the employer is matched by one dollar from the department.

871—75.5(15,85GA,ch1132,86GA,SF510) Eligible employers. Eligible employers may apply to the department for assistance under the program. The program is available to employers that meet all of the following criteria:

75.5(1) The employer is an Iowa-based business and has a significant portion of its employees located within the state of Iowa.

75.5(2) The employer employs students who have either declared a major in a STEM field or who are enrolled in a STEM-related academic or degree program at a community college. The students are employed as interns at a location in Iowa.

75.5(3) The employer offers the internship to students of Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or to students who graduated from high school in Iowa but attend an institution of higher learning outside the state of Iowa.

75.5(4) The employer offers either summer- or semester-based internships. The summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

871—75.6(15,85GA,ch1132,86GA,SF510) Ineligible employers. The following employers are not eligible for the program:

75.6(1) An employer that is a business engaged in retail sales.

75.6(2) An employer that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

75.6(3) An employer that has applied or will apply during the same state fiscal year to the innovative businesses internship program under 871—Chapter 69 is ineligible to receive funding under the STEM internship program.

871—75.7(15,85GA,ch1132,86GA,SF510) Eligible students. To be eligible, a person meets the requirements of a "student" as defined in rule 871—75.3(15) and is a person who is within one to two years of graduation, has declared a major in a STEM field or is enrolled in a STEM-related academic or degree program at a community college, and is hired for an internship at an Iowa employer during a designated internship period.

871—75.8(15,85GA,ch1132,86GA,SF510) Ineligible students. Students who are more than two years from graduation are ineligible. Students who have not declared a major in a STEM field or are not enrolled in a STEM-related academic or degree program at a community college are ineligible. Students who are immediate family members of management employees or board members of the applicant employer are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—75.7(15,85GA,ch1132,86GA,SF510) are ineligible.

871—75.9(15,85GA,ch1132,86GA,SF510) Application submittal and review process.

75.9(1) The department will develop a standardized application and make the application available to eligible employers. To apply for assistance under the program, an employer will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

75.9(2) Applications will be reviewed and scored by the staff of the department. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

871—75.10(15,85GA,ch1132,86GA,SF510) Application content and other requirements.

75.10(1) An employer seeking assistance under the program will submit a completed application to the department.

75.10(2) If an award is made, the employer will secure an intern or interns within the time period stated in the contract between the department and the employer.

75.10(3) The application will include but not be limited to all of the following:

a. The dates and location of the internship.

b. A statement of duties the student will perform at the internship site and how the duties correlate to a substantive experience in an area closely related to the student's STEM field. The application will also include information regarding the student's work space (e.g., access to telephone, computer, and other necessary items).

c. The name of the employer's representative who will train and supervise the student.

d. A statement of the anticipated workforce needs at the internship site and the student's potential for prospective employment with the employer following graduation.

75.10(4) In accepting applications from employers, the department may require additional information reasonably related to the program.

871—75.11(15,85GA,ch1132,86GA,SF510) Award process. Applications will be reviewed in the order received by the department. The department will attempt to award as many eligible internships as funding allows. However, the department may deny applications for incompleteness or because of insufficient funds. The department will score applications according to the criteria specified in rule 871—75.12(15,85GA,ch1132,86GA,SF510). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

871—75.12(15,85GA,ch1132,86GA,SF510) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

75.12(1) The extent to which the student is involved in a substantive experience closely related to the student's STEM field of study. 30 points.

75.12(2) The quality and sufficiency of the explanation of the employer's anticipated workforce needs and of the student's potential for prospective employment with the employer or another Iowa employer following graduation. 30 points.

75.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the employer's goals or processes. 10 points.

75.12(4) The extent to which the internship will have a positive impact on the student's skills, knowledge and abilities. 10 points.

75.12(5) Whether the internship pays more than twice the minimum wage. 10 points.

75.12(6) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

75.12(7) Whether the application establishes that all relevant internship considerations, including necessary funding, have been addressed by the employer in advance. 5 points.

871—75.13(15,85GA,ch1132,86GA,SF510) Contract and reporting.

75.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

75.13(2) *Contract required.* An employer receiving an award under the program will execute a standard contract prepared by the department. The contract may include but is not limited to a description of the internship to be completed, the conditions for disbursement, required reporting, the applicable events of default, the repayment requirements imposed in the event of default, and any other specific provisions that may be established from time to time on a case-by-case basis.

75.13(3) *Reporting.* An employer receiving assistance under the program will submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

75.13(4) *Contract amendments and terminations.* Contract amendments or termination may be approved by the director without board approval.

These rules are intended to implement 2014 Iowa Acts, chapter 1132, section 12, and Iowa Code section 15.411(5).

[Filed 8/27/25, effective 10/22/25]
[Published 9/17/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/25.

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER FOURTEEN

WHEREAS, the Governor's STEM Advisory Council's activities have made significant progress toward the ambitious goal of raising student interest and achievement in STEM since the original Executive Order was established in 2011 and subsequent Executive Order in 2013; and

WHEREAS, it is now time to build on the established track record of success and create the next phase of the Governor's STEM Advisory Council's work to address emerging needs; and

WHEREAS, establishing career-connected learning as a critical component of the K-12 educational program is essential for students to connect classroom instruction to STEM employment opportunities; and

WHEREAS, work-based learning fosters partnerships between educators and STEM employers to provide students with sustained project-based learning, simulated work experiences, pre-apprenticeships, student learner programs, internships, and apprenticeships in STEM work environments that bridge the gap between academic concepts and real-world applications; and

WHEREAS, early exposure to career exploration in elementary and middle school is essential to provide students with opportunities to explore a wide variety of STEM career paths, connect learning in the classroom to their future, and discover new areas of interest; and

WHEREAS, high school graduates are entering a rapidly changing job market with increasing demand for a strong basis of STEM knowledge and skills; and

WHEREAS, Iowa's economic development is closely tied to the state's ability to cultivate a highly skilled STEM workforce, which will drive innovation, attract businesses, and foster entrepreneurship in high demand industries; and

WHEREAS, rapid changes in technology, including advancements in artificial intelligence (AI) and information, will impact every career Generation Z and Generation Alpha will pursue, making it essential to equip them with the skills and adaptability needed to navigate and thrive in a constantly evolving technological landscape; and

WHEREAS, the role of AI is changing the nature of all jobs, thus, the need to establish foundational knowledge and ethical use of AI in schools is imperative to equip both students and educators to navigate this emerging technology responsibly and effectively; and

WHEREAS, the development of useful work habits begins in the K-12 school experience and includes applied academic skills, critical thinking, resource management, problem solving, information use, communication, systems thinking, technology use, and interpersonal skills including responsibility, resiliency, self-discipline, flexibility, and integrity; and

WHEREAS, consistent and high-quality classroom instruction provides the foundation of knowledge in STEM disciplines and understanding the integrated nature of science, technology, engineering, and mathematics; and

WHEREAS, the Governor's STEM Advisory Council has established meaningful strategic partnerships between education and STEM employers in the private and public sectors to prepare students for the challenges and opportunities of the future job market, foster innovative collaboration, and expand the pipeline for Iowa's strong workforce into the future.

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa, do hereby **DECLARE** that science, technology, engineering and mathematics education should be strengthened as part of promoting innovation, connecting STEM in school and in the workplace, and enhancing economic development. I hereby **ORDER** and **DIRECT** that the next phase of the Governor's Science, Technology, Engineering, and Mathematics initiative is to ensure that every Iowa student in every geographic location and from every background has access to cutting-edge educational opportunities.

1. **Purpose:** The Governor's STEM Advisory Council shall advise the Governor on ways to connect classrooms and the workplace through STEM innovation, improve instruction and student achievement in STEM subjects, and enhance STEM career connected learning to develop a future-ready workforce.

2. **Organization:** The Council shall be composed of members appointed by the Governor. Each member will serve at the pleasure of the Governor without compensation and in an advisory capacity. The Council shall be led by an Executive Committee. In addition to the Executive Committee, the Governor may appoint to the Council:
   a. representatives with STEM qualifications from the following sectors, including but not limited to trades / advanced manufacturing, agribusiness, biotechnology, clean energy, financial / insurance, engineering, healthcare and information technology, higher education, postsecondary training institutions, early childhood, elementary and secondary education, and vocational-technical education.
   b. additional qualifying members, including representatives of national STEM organizations as appropriate.
   c. two members of the Iowa Senate to serve as non-voting, ex-officio members, one majority party member and one minority party member.
   d. two members of the Iowa House of Representatives to serve as non-voting, ex-officio members, one majority party member and one minority party member.

The Council shall be co-chaired by the Lieutenant Governor of Iowa. The other co-chair shall be selected by the Governor for a two-year term. After that, the Lieutenant Governor will continue as co-chair with the other co-chair position to be selected by the Governor and to rotate on a biennial basis.

The co-chairs, or the STEM Bureau Chief of the Iowa Department of Education, with the approval of the co-chairs, may direct the Council to form subcommittees to address issues facing STEM education and other STEM matters in the State of Iowa. The makeup and nature of each committee shall be determined by the co-chairs.

Administrative operations of the Council shall vest with the STEM Bureau Chief in the Iowa Department of Education. The Bureau Chief will be housed in the Grimes Building unless otherwise transferred to another location by the Governor. The Department of Education shall provide staff support to the Council, as needed, to enable the Council to fulfill its responsibilities.

3. **Executive Committee:** Membership for the Governor's Science Technology, Engineering and Mathematics Advisory Council Executive Committee may include the following members appointed by the Governor, or their respective designees:
   a. Lieutenant Governor of the State of Iowa
   b. Director of the Iowa Department of Education
   c. One regent university president
   d. One community college president
   e. One independent college president
   f. Two representatives of preschool, elementary or secondary education
   g. Two representatives of private employers who hire job candidates with STEM skills
   h. Any other individuals that the Governor may appoint.

The Executive Committee may conduct business on behalf of the Council and such business can include, but not be limited to, launching initiatives, making final recommendations and scheduling meetings.

4. **Goals:** The Council shall undertake the following objectives:
   a. build on the existing strong partnerships to foster collaboration between high school educators with the private and public sectors to meaningfully connect STEM classroom content with structured work-based learning experiences.
   b. advocate for a state-wide career exploration initiative for students in elementary and middle school grades to empower students to discover new areas of interest through awareness of STEM jobs.
   c. identify strategies to equip teachers and students with the knowledge and skill to use AI ethically and effectively in today's classrooms and tomorrow's workplaces.
   d. build a state-wide strategy to promote integration of transferable employment habits including applied academic skills, critical thinking, resource management, information use, communication, systems thinking, technology use, and interpersonal skills of responsibility, resiliency, self-discipline, flexibility, integrity, and initiative in every Iowa classroom.
   e. equip educators with the most current knowledge and tools to strengthen K-12 STEM instruction in every Iowa classroom to ensure strong foundational skills and knowledge are developed from kindergarten through high school.

5. **Activities:** The Council shall undertake the following actions:
   a. map regional partnership assets and opportunities to advance the newly established Council goals.
   b. commission reports on Iowa's growing STEM economy and the knowledge, skills, and attributes that Generations Z and Alpha will need to drive innovation.
   c. recommend policy changes that will accelerate the connection between classroom learning and STEM careers, integrate employability habits into classrooms, and strengthen K-12 STEM instruction.
   d. Undertake other activities as requested by the Office of the Governor.

All agencies, departments and boards of the State of Iowa shall cooperate fully with the Council. The Council may seek the expertise and services of individuals and entities outside its membership for research, advice and other needs, as required to accomplish its mission. Executive Order Number 81, dated May 15, 2013, issued by Governor Terry E. Branstad, shall be rescinded because this order expands and replaces Executive Order Number 81.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS SEVENTEENTH DAY OF AUGUST IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-FIVE

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE

AGENCY	RULE	DELAY
Environmental Protection Commission[567]	ch 69 [IAB 8/6/25, **ARC 9467C**]	Effective date of September 10, 2025, delayed until the adjournment of the 2026 Legislative Session by the Administrative Rules Review Committee at its meeting held September 8, 2025. [Pursuant to §17A.8(9)]

AGENCY	RULE	DELAY
Inspections and Appeals Department[481]	980.2, 980.4 to 980.7 [IAB 8/6/25, **ARC 9469C**]	Effective date of September 10, 2025, delayed 70 days by the Administrative Rules Review Committee at its meeting held September 8, 2025. [Pursuant to §17A.8(10)]