



IOWA ADMINISTRATIVE BULLETIN

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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]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

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, lettered paragraph, or numbered subparagraph).

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)

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 7.17, 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).

Schedule for Rule Making 2010

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	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 23 '09	Jan. 13 '10	Feb. 2 '10	Feb. 17 '10	Feb. 19 '10	Mar. 10 '10	Apr. 14 '10	July 12 '10
Jan. 8	Jan. 27	Feb. 16	Mar. 3	Mar. 5	Mar. 24	Apr. 28	July 26
Jan. 22	Feb. 10	Mar. 2	Mar. 17	Mar. 19	Apr. 7	May 12	Aug. 9
Feb. 5	Feb. 24	Mar. 16	Mar. 31	Apr. 2	Apr. 21	May 26	Aug. 23
Feb. 19	Mar. 10	Mar. 30	Apr. 14	Apr. 16	May 5	June 9	Sep. 6
Mar. 5	Mar. 24	Apr. 13	Apr. 28	Apr. 30	May 19	June 23	Sep. 20
Mar. 19	Apr. 7	Apr. 27	May 12	May 14	June 2	July 7	Oct. 4
Apr. 2	Apr. 21	May 11	May 26	***May 26***	June 16	July 21	Oct. 18
Apr. 16	May 5	May 25	June 9	June 11	June 30	Aug. 4	Nov. 1
Apr. 30	May 19	June 8	June 23	***June 23***	July 14	Aug. 18	Nov. 15
May 14	June 2	June 22	July 7	July 9	July 28	Sep. 1	Nov. 29
May 26	June 16	July 6	July 21	July 23	Aug. 11	Sep. 15	Dec. 13
June 11	June 30	July 20	Aug. 4	Aug. 6	Aug. 25	Sep. 29	Dec. 27
June 23	July 14	Aug. 3	Aug. 18	Aug. 20	Sep. 8	Oct. 13	Jan. 10 '11
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July 23	Aug. 11	Aug. 31	Sep. 15	Sep. 17	Oct. 6	Nov. 10	Feb. 7 '11
Aug. 6	Aug. 25	Sep. 14	Sep. 29	Oct. 1	Oct. 20	Nov. 24	Feb. 21 '11
Aug. 20	Sep. 8	Sep. 28	Oct. 13	Oct. 15	Nov. 3	Dec. 8	Mar. 7 '11
Sep. 1	Sep. 22	Oct. 12	Oct. 27	***Oct. 27***	Nov. 17	Dec. 22	Mar. 21 '11
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Oct. 1	Oct. 20	Nov. 9	Nov. 24	***Nov. 24***	Dec. 15	Jan. 19 '11	Apr. 18 '11
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
12	Wednesday, November 24, 2010	December 15, 2010
13	Wednesday, December 8, 2010	December 29, 2010
14	Wednesday, December 22, 2010	January 12, 2011

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

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

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

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Retention of incomplete applications, 12.9 IAB 11/3/10 ARC 9203B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	November 24, 2010 1 p.m.
Administrator licenses for applicants from non-Iowa preparation programs, 18.6 IAB 11/3/10 ARC 9199B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	November 24, 2010 1 p.m.
Class A licenses, 18.7 IAB 11/3/10 ARC 9200B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	November 24, 2010 1 p.m.
Class B licenses, 18.8 IAB 11/3/10 ARC 9201B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	November 24, 2010 1 p.m.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Continuing education for local emergency management coordinators, 7.4(4)“a” IAB 11/17/10 ARC 9226B	Division Conference Room Building W-4, Camp Dodge Johnston, Iowa	December 8, 2010 10:30 a.m.
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HUMAN SERVICES DEPARTMENT[441]

Collection services center— electronic transmission of payments, 97.1, 97.4, 97.5 IAB 11/3/10 ARC 9215B	Meeting Room B, Public Library 210 Court St. Burlington, Iowa	November 23, 2010 10 to 11 a.m.
	Liberty Room, First Floor Mohawk Square 22 N. Georgia Ave. Mason City, Iowa	November 29, 2010 10 to 11 a.m.
	Conference Room A, Second Floor 6200 Aurora Ave. Urbandale, Iowa	November 29, 2010 10 to 11 a.m.
	Suite 225, Second Floor Commerce Building 520 Nebraska St. Sioux City, Iowa	November 29, 2010 9 to 10 a.m.

LABOR SERVICES DIVISION[875]

Complimentary tickets for mixed martial arts events, 177.1 IAB 11/17/10 ARC 9233B	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	December 8, 2010 9 a.m. (If requested)
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MANAGEMENT DEPARTMENT[541]

Fiscal oversight of the early childhood Iowa initiative, ch 9 IAB 11/17/10 ARC 9222B	Room 142 Lucas State Office Bldg. Des Moines, Iowa	December 7, 2010 9 a.m.
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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.

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ARC 9227B

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2010 Iowa Acts, Senate File 2263, the Department on Aging hereby gives Notice of Intended Action to amend Chapter 8, “Long-Term Care Resident’s Advocate/Ombudsman,” Iowa Administrative Code.

The proposed amendments provide procedures for volunteer access to facility records and also clarify that a civil penalty of not more than \$1,500 may be imposed for interference with the duties of the state or a local long-term care resident’s advocate/ombudsman.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 7, 2010. Such written suggestions or comments should be directed to the Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319; E-mailed to lisa.burk@iowa.gov; or faxed to (515)725-3300.

These amendments are intended to implement 2010 Iowa Acts, Senate File 2263.

The following amendments are proposed.

ITEM 1. Amend rule 17—8.3(231) as follows:

17—8.3(231) Interference.

8.3(1) A local long-term care resident’s advocate/ombudsman or trained volunteer long-term care ombudsman certified under rule 17—8.7(231) who is denied access to a resident or tenant in a long-term care facility, assisted living program, or elder group home, or to medical and personal records while in the course of conducting official duties or whose work is interfered with during the course of an investigation shall report such denial or interference to the office of the state long-term care resident’s advocate who will report the interference to the director of the department on aging.

8.3(2) Access to facility records. Copies of a resident’s medical or personal records maintained by the facility, or other records of a long-term care facility, assisted living program, or elder group home, may be made with the permission of the resident, the resident’s responsible party, or the legal representative of the resident. All medical and personal records shall be made available to a volunteer long-term care ombudsman for review if:

a. The volunteer long-term care ombudsman has written permission from the resident, the legal representative of the resident, or the responsible party; and

b. Access to the records is necessary to investigate a complaint; and

c. The volunteer long-term care ombudsman obtains approval of the resident’s advocate/ombudsman or designee.

ITEM 2. Amend rule 17—8.4(231) as follows:

17—8.4(231) Monetary civil penalties—basis. The director, in consultation with the state long-term care resident’s advocate/ombudsman, may impose a monetary civil penalty of not more than \$1,500 on an officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the duties of the state or a local long-term care resident’s advocate/ombudsman. If the director imposes a penalty for a violation under this rule, no other state agency shall impose a penalty for the same interference violation.

ARC 9219B

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 159.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 7, “Child Support Collection Procedures,” Iowa Administrative Code.

The proposed amendments authorize licensing sanctions for the collection of a debt placed with the centralized collection unit of the Department of Revenue. These sanctions are required under Iowa Code chapter 272D. Citations to the Iowa Rules of Civil Procedure are also updated.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 7, 2010. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or E-mail to Margaret.Thomson@IowaAgriculture.gov.

These proposed amendments are subject to the Department’s general waiver provision.

These amendments are intended to implement Iowa Code chapter 272D.

The following amendments are proposed.

ITEM 1. Amend **21—Chapter 7**, title, as follows:

~~CHILD SUPPORT~~ COLLECTION PROCEDURES

ITEM 2. Amend rule 21—7.1(159,252J) as follows:

21—7.1(159,252J,272D) Licensing actions. In addition to other reasons specified by statute or rule, the department may refuse to issue a license or permit, or may revoke, suspend, or not renew any license or permit for which it has jurisdiction if the department is in receipt of a certificate of noncompliance from the child support recovery unit; pursuant to the procedures set forth in Iowa Code ~~Supplement~~ chapter 252J or from the centralized collection unit of the department of revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

An applicant, licensee, or permit holder whose application is denied or whose license or permit is denied, suspended, or revoked because of receipt by the department of a certificate of noncompliance issued by the child support recovery unit or by the centralized collection unit of the department of revenue shall be subject to the provisions of rule 21—7.1(159,252J,272D). ~~and~~ The procedures specified in 21—Chapter 2 for contesting departmental actions shall not apply.

ITEM 3. Amend rule 21—7.2(159,252J) as follows:

21—7.2(159,252J,272D) ~~Child support collection~~ Collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance pursuant to Iowa Code ~~Supplement~~ chapter 252J or 272D.

7.2(1) The notice required by Iowa Code ~~Supplement~~ section 252J.8 or 272D.8 shall be served upon the applicant, licensee, or permit holder by restricted certified mail, return receipt requested, or personal service in accordance with ~~Rules~~ Iowa Rule of Civil Procedure ~~56.1~~ 1.305. Alternatively, the applicant, licensee, or permit holder may accept service personally or through authorized counsel.

7.2(2) The effective date of revocation or suspension of a license or permit or the denial of the issuance or renewal of a license or permit, as specified in the notice required by Iowa Code ~~Supplement~~

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

section 252J.8 or 272D.8, shall be 60 days following service of the notice upon the licensee, permit holder, or applicant.

7.2(3) Applicants, licensees, and permit holders shall keep the department informed of all court actions. ~~and Applicants, licensees and permit holders shall also keep the department informed of all child support recovery unit actions taken under or in connection with Iowa Code Supplement chapter 252J or of all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D. and~~ Copies shall ~~provide~~ be provided to the department ~~copies~~, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code Supplement section 252J.9 or 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit ~~or withdrawals of certificates of noncompliance by the centralized collection unit.~~

7.2(4) All departmental fees for applications, license renewals or reinstatements must be paid by the applicant, licensee, or permit holder before a license will be issued, renewed or reinstated after the department has denied the issuance or renewal of a license or has suspended or revoked a license or permit pursuant to Iowa Code Supplement chapter 252J or 272D.

7.2(5) If an applicant, licensee, or permit holder timely files a district court action following service of a department notice pursuant to Iowa Code Supplement sections 252J.8 and 252J.9 or 272D.8 and 272D.9, the department shall continue with the intended action described in the notice upon receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a license or permit, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

ITEM 4. Amend **21—Chapter 7**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement ~~chapter~~ chapters 252J and 272D.

ARC 9226B

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(3)“c,” the Homeland Security and Emergency Management Division proposes to amend Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

The Homeland Security and Emergency Management Division proposes to amend paragraph 7.4(4)“a” to update continuing education requirements for local emergency management coordinators. This proposed amendment changes course names to accurately reflect the current Federal Emergency Management Agency training catalog. This amendment was developed in consultation with the Iowa Emergency Management Association.

Consideration will be given to all written suggestions or comments on the proposed amendment received on or before December 7, 2010. Such written materials should be sent to the Administrative Rules Coordinator, Iowa Homeland Security and Emergency Management Division, 7105 N.W. 70th Ave., Camp Dodge, Building W-4, Johnston, Iowa 50131; fax (515)725-3260.

There will be a public hearing on December 8, 2010, at 10:30 a.m. in the Homeland Security and Emergency Management Division Conference Room at Camp Dodge, Building W-4, Johnston, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be

HOMELAND SECURITY AND EMERGENCYMANAGEMENT DIVISION[605](cont'd)

asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Homeland Security and Emergency Management Division and advise of specific needs.

This amendment is intended to implement Iowa Code chapter 29C.

The following amendment is proposed.

Amend paragraph 7.4(4)“a” as follows:

a. Within five years of appointment as an emergency management coordinator, the person must complete the following ten independent study courses as prescribed by the Federal Emergency Management Agency:

- (1) ~~Citizens~~ A Citizen's Guide to Disaster Assistance IS-7.
- (2) ~~The EOC's Role in Community Preparedness, Response and Recovery Activities~~ Emergency Operations Center (EOC) Management and Operations IS-775.
- (3) Emergency Manager: An Orientation to the Position IS-1.
- (4) Are You Ready? An In-depth Guide to Citizen Preparedness IS-22.
- (5) An Introduction to Hazardous Materials IS-5A.
- (6) Introduction to Incident Command System IS-100.a b.
- (7) ICS for Single Resources and Initial Action Incidents IS-200.a.
- (8) Radiological Emergency Management IS-3.
- (9) Introduction to Hazard Mitigation IS-393.a.
- (10) Emergency Management Program Development.

ARC 9225B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services proposes to amend Chapter 47, “Diversion Initiatives,” Iowa Administrative Code.

The proposed amendments:

- Change the name of the Promoting Healthy Marriage program to Promoting Awareness of the Benefits of a Healthy Marriage. The new name more accurately reflects the program’s purpose to promote awareness of the benefits of a healthy marriage.
- Align the implementation of annual adjustments to the federal poverty guidelines for the program with the annual adjustments to income and allotment limits for the Food Assistance program. This change provides for consistent eligibility determination both for households that are categorically eligible for Food Assistance due to eligibility for the Promoting Awareness of the Benefits of a Healthy Marriage program and for the relatively few households that cannot meet categorical eligibility criteria.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before December 7, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments are intended to implement Iowa Code section 234.6.
The following amendments are proposed.

ITEM 1. Amend **441—Chapter 47**, Division I title and preamble, as follows:

DIVISION I
PROMOTING AWARENESS OF THE BENEFITS OF A HEALTHY MARRIAGE

PREAMBLE

These rules implement the Iowa promoting awareness of the benefits of a healthy marriage program. This program uses federal funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information to certain households about the benefits of a healthy and stable marriage. Eligibility for this program also establishes categorical eligibility for the Iowa food assistance program under 441—Chapter 65.

ITEM 2. Amend rules 441—47.1(234) and 441—47.2(234) as follows:

441—47.1(234) Eligibility criteria. Eligibility for the promoting awareness of the benefits of a healthy marriage program is always determined in conjunction with determination of eligibility for ~~the~~ food assistance ~~program~~ under 441—Chapter 65.

47.1(1) Application. There is no separate application for the ~~promoting healthy marriage~~ program. Eligibility for the program is determined whenever the department determines a household's eligibility for food assistance.

47.1(2) Resources. There is no asset test for the ~~promoting healthy marriage~~ program.

47.1(3) Income. The household's gross countable monthly income determined according to rule 441—65.29(234) must be less than or equal to 160 percent of the current federal poverty guidelines for the household size. The income eligibility limits as described in this subrule are revised each October 1 to reflect the annual adjustment to the federal poverty guidelines.

47.1(4) Otherwise eligible for food assistance. The household must meet all eligibility criteria for ~~the~~ food assistance ~~program~~ except as provided in this rule. A household that includes a member who is currently disqualified from ~~the~~ food assistance ~~program~~ due to an intentional program violation is not eligible for the ~~promoting healthy marriage~~ program.

47.1(5) Minimum food assistance benefit. The household must be eligible for a monthly food assistance benefit greater than zero. Households with a monthly food assistance benefit of zero are not eligible for the ~~promoting healthy marriage~~ program.

441—47.2(234) Notice and eligibility period. A household that meets all of the eligibility criteria in rule 441—47.1(234) shall receive written notice of its eligibility for the promoting awareness of the benefits of a healthy marriage program.

47.2(1) No change.

47.2(2) Eligibility period. A household that is determined eligible for the ~~promoting healthy marriage~~ program shall remain eligible for the program until the earlier of the following events:

a. and *b.* No change.

ARC 9233B**LABOR SERVICES DIVISION[875]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 90A.7, the Labor Commissioner hereby proposes to amend Chapter 177, “Mixed Martial Arts,” Iowa Administrative Code.

The proposed amendment defines the term “complimentary tickets” as tickets for which the price has been reduced by 50 percent or more. The definition only applies to mixed martial arts events.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on December 7, 2010, a public hearing will be held on December 8, 2010, at 9 a.m in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than December 8, 2010, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

The principal reasons for adoption of this amendment are to implement legislative intent and to prevent circumvention of state sales tax and the tax assessed on athletic events pursuant to Iowa Code section 90A.9.

No variance procedures are included in this amendment because variance provisions are set forth in 875—Chapter 1.

This amendment is intended to implement Iowa Code chapter 90A as amended by 2010 Iowa Acts, Senate File 2286.

The following amendment is proposed.

Adopt the following **new** definition of “Complimentary tickets” in rule **875—177.1(90A)**:

“*Complimentary tickets*,” as used in Iowa Code section 90A.9, means tickets for which the price was reduced by 50 percent or more.

ARC 9222B**MANAGEMENT DEPARTMENT[541]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2010 Iowa Acts, Senate File 2088, section 282, the Department of Management, in consultation with the Early Childhood Iowa State Board, hereby gives Notice of Intended Action to adopt new Chapter 9, “Fiscal Oversight of the Early Childhood Iowa Initiative,” Iowa Administrative Code.

The Early Childhood Iowa Initiative was established by the General Assembly to create a partnership between communities and state-level partners to improve the efficiency and effectiveness of early care,

MANAGEMENT DEPARTMENT[541](cont'd)

education, health, and human services to support children prenatal through age five and their families. The proposed chapter provides, pursuant to 2010 Iowa Acts, Senate File 2088, section 282, the measures for fiscal oversight of early childhood Iowa area boards by the Department of Management.

No waiver provision is included because it is the opinion of the Department of Management that these rules do not necessitate such a process.

Any interested person may make written comments or suggestions on the proposed rules on or before December 7, 2010. Such written comments should be directed to Shanell Wagler, Department of Management, State Capitol Building, Room G13, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4225 or by E-mail to shanell.wagler@iowa.gov.

A public hearing will be held on December 7, 2010, at 9 a.m. in Room 142 of the Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Shanell Wagler at (515)281-4321 to advise of any specific needs.

These rules are intended to implement 2010 Iowa Acts, Senate File 2088, sections 278 to 289.

The following amendment is proposed.

Adopt the following **new** 541—Chapter 9:

CHAPTER 9
FISCAL OVERSIGHT OF THE EARLY CHILDHOOD IOWA INITIATIVE

541—9.1(83GA,SF2088) Definitions. For the purpose of these rules, the following definitions apply:

“Agreement” means a contract between the area boards, state board, department of management, and state agencies to which funding is allocated.

“Department” means the Iowa department of management.

“Early childhood Iowa area board” or *“area board”* means the board for an early childhood Iowa area created in accordance with 2010 Iowa Acts, Senate File 2088, section 284.

“Early childhood Iowa state board” or *“state board”* means the early childhood Iowa state board created in accordance with 2010 Iowa Acts, Senate File 2088, section 280.

541—9.2(83GA,SF2088) Purpose. This chapter sets forth the fiscal oversight measures of the department in relation to the early childhood Iowa area boards.

541—9.3(83GA,SF2088) Scope of the rules. The rules for the department are promulgated under 2010 Iowa Acts, Senate File 2088. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department, from any duty under the laws of this state.

541—9.4(83GA,SF2088) Fiscal oversight.

9.4(1) In consultation with the state board, the department has adopted policies to oversee the fiscal responsibilities of area boards.

9.4(2) The department shall:

- a. Review the internal controls of all disbursements of early childhood Iowa funding;
- b. Approve the process for issuing agreements with area boards;
- c. Approve and sign all agreements between the area boards and the state for the purposes of 2010 Iowa Acts, Senate File 2088;

d. Work with state agencies to which the early childhood Iowa funding is allocated to ensure that payments are made to the area boards. The department shall, in cooperation with the agencies to which the funding is allocated, develop a policy for the disbursement of funds;

MANAGEMENT DEPARTMENT[541](cont'd)

- e. Require an audit, conducted by an independent agency, of the early childhood Iowa funds managed by area boards. The minimum requirements and frequency of audits for the area boards shall be determined and approved by the state board;
 - f. Ensure that all area boards secure liability insurance;
 - g. Require that area boards submit a contract-monitoring schedule for their funded programs.
- These rules are intended to implement 2010 Iowa Acts, Senate File 2088, sections 278 to 289.

ARC 9236B**PUBLIC HEALTH DEPARTMENT[641]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 92, “Iowa Fatality Review Committee,” Iowa Administrative Code.

The rules in Chapter 92 describe the formation of and protocol for the Iowa fatality review committee, an ad hoc committee appointed on a case-by-case basis to determine whether the Department of Human Services and others involved with a case of child abuse resulting in the death of a child responded appropriately. These proposed amendments place the responsibility for this committee in the State Medical Examiner’s office.

Any interested person may make written suggestions or comments on these amendments on or before December 7, 2010. Such written comments should be directed to Jonathan Thompson, M.D., Office of the State Medical Examiner, 2250 S. Ankeny Blvd., Ankeny, Iowa 50023. E-mail may be sent to jthomps@idph.state.ia.us.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.43.

The following amendments are proposed.

ITEM 1. Rescind the definition of “Director” in rule **641—92.2(135)**.

ITEM 2. Amend rule 641—92.3(135) as follows:

641—92.3(135) Committee. The committee is an ad hoc committee appointed by the ~~director~~ state medical examiner on a case-by-case basis. The committee shall include a medical examiner, a pediatrician who is knowledgeable concerning deaths of children, and a person involved in law enforcement. The committee may also consult with individuals with specific child death expertise as necessary to perform the duties and responsibilities of the committee. The ~~department~~ office of the state medical examiner shall provide staffing and administrative support to the committee.

ITEM 3. Amend rule 641—92.4(135) as follows:

641—92.4(135) Formation of the committee. The ~~director~~ state medical examiner may appoint a committee to review the death of a child under the age of 18 upon the request from a member of the legislature or the governor in cases in which a report of suspected child abuse had been filed with the department of human services pursuant to Iowa Code section 232.70 within two years preceding the child’s death.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 4. Amend subrule 92.6(1) as follows:

92.6(1) Upon completion of the review, the ~~director~~ state medical examiner shall submit the committee's report to:

a. to *c.* No change.

ITEM 5. Adopt the following new subrule 92.6(3):

92.6(3) If deemed appropriate by the committee, the committee may, at any point in the review, recommend to the department of human services, appropriate law enforcement agencies, and any other person involved with child protection, interventions intended to prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.

ARC 9237B

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 130, “Emergency Medical Services Advisory Council,” Iowa Administrative Code.

The rules in Chapter 130 describe the purpose, membership, appointment process, officers, and meeting procedures for the Emergency Medical Services Advisory Council. These proposed amendments add representatives to the Council.

Any interested person may make written comments or suggestions on the proposed amendments on or before December 7, 2010. Such written comments should be directed to Kirk Schmitt, Bureau of EMS, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kschmitt@idph.state.ia.us.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are proposed.

ITEM 1. Rescind and reserve subparagraph **130.3(2)“b”(3)**.

ITEM 2. Amend paragraph **130.3(2)“e”** as follows:

e. Three out-of-hospital emergency medical care providers, with at least one representing volunteer EMS and one representing a private service program, from the Iowa EMS Association.

ITEM 3. Adopt the following new paragraph **130.3(2)“f”**:

f. Two at-large volunteer emergency medical care providers.

ARC 9240B**PUBLIC HEALTH DEPARTMENT[641]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 132, “Emergency Medical Service—Service Program Authorization,” Iowa Administrative Code.

The rules in Chapter 132 describe the standards for the authorization of EMS services. These proposed amendments remove references to basic care.

Any interested person may make written comments or suggestions on the proposed amendments on or before December 7, 2010. Such written comments should be directed to Kirk Schmitt, Bureau of EMS, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kschmitt@idph.state.ia.us.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “Basic ambulance service” and “Basic care” in rule 641—132.1(147A).

ITEM 2. Amend paragraph 132.7(5)“a” as follows:

a. A temporary service program authorization may be issued to services that wish to operate during special events that may need emergency medical care coverage ~~at a level other than basic care~~. Temporary authorization is valid for a period of 30 days unless otherwise specified on the certificate of authorization or unless sooner suspended or revoked. Temporary authorization shall apply to those requirements and standards for which the department is responsible. Applicants shall complete and submit the necessary forms to the department at least 30 days prior to the anticipated date of need.

ITEM 3. Rescind and reserve subparagraph 132.8(2)“a”(1).

ITEM 4. Amend subrule 132.8(9) as follows:

132.8(9) Implementation. The director may grant exceptions and variances from the requirements of this chapter for any ambulance or nontransport service. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this chapter. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to Iowa Code chapter 147A. ~~Nothing in this chapter shall be construed to require any nontransport service to provide a level of care beyond minimum basic care standards.~~

ARC 9241B**PUBLIC HEALTH DEPARTMENT[641]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 135.26 and 613.17(2b), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 143, “Automated External Defibrillator Program,” Iowa Administrative Code.

The rules in Chapter 143 describe the automated external defibrillator (AED) grant program, which provides funds for eligible organizations seeking to implement an early defibrillator program and the standards for maintenance of an AED device in accordance with Iowa Code section 613.17(2b). These proposed amendments provide authorization for local fire departments with AEDs to respond to cardiac arrest events in their communities.

Any interested person may make written comments or suggestions on the proposed amendments on or before December 7, 2010. Such written comments should be directed to Kirk Schmitt, Bureau of EMS, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kschmitt@idph.state.ia.us.

These amendments are intended to implement Iowa Code chapters 135 and 613.

The following amendments are proposed.

ITEM 1. Reserve rules **641—143.13** to **641—143.15**.

ITEM 2. Insert the following **new** heading before rule 641—143.16(147A):

FIRE DEPARTMENT RESPONSE WITH AUTOMATED EXTERNAL DEFIBRILLATOR

ITEM 3. Adopt the following **new** rules 641—143.16(147A) to 641—143.18(147A):

641—143.16(147A) Purpose. The purpose of these rules is to allow a local fire department that is not authorized as an EMS service and that has an AED to respond to cardiac arrest events in the department’s community. These rules are intended to enhance and supplement the local EMS system with nontraditional early defibrillation programs.

641—143.17(147A) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Automated external defibrillator*” or “*AED*” means an external semiautomatic device that determines whether defibrillation is required.

“*CPR*” means training and successful course completion in cardiopulmonary resuscitation, AED and obstructed airway procedures for all age groups according to recognized national standards.

“*Emergency medical care provider*” means an individual who has been trained to provide emergency and nonemergency medical care at the first responder, EMT-basic, EMT-intermediate, EMT-paramedic, paramedic specialist or other certification levels recognized by the department before 1984 and who has been issued a certificate by the department.

“*Local fire department*” means a paid, volunteer, or combination fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. “Local fire department” does not include a military or private industrial fire department or an authorized Iowa EMS service.

“*Service program*” or “*service*” means any medical care ambulance service or nontransport service that has received authorization by the department.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

641—143.18(147A) Local fire department AED service registration. A local fire department that desires to allow its firefighters to use an AED may register with the department to provide AED coverage.

143.18(1) Training requirements. Local fire department personnel wishing to provide AED coverage shall have current course completion in CPR.

143.18(2) Local fire department AED service—registration, guidelines, and standards. A local fire department may register with the department to provide AED coverage. Local fire departments seeking registration with the department shall:

- a. Complete the department’s AED service registration form initially and every five years thereafter.
- b. Provide an AED liaison to be responsible for supervision of the AED service.
- c. Ensure that the AED is maintained and inspected in accordance with rule 641—143.12(135).
- d. Maintain records of all maintenance and inspections of the AED for the usable life of the device.
- e. Ensure that the fire department’s AED providers maintain AED and CPR skill competency.
- f. Identify which authorized Iowa ambulance service program(s) will provide patient transportation.
- g. Ensure that emergency medical care is limited to CPR and AED.

143.18(3) Complaints and investigations. Complaints and investigations shall be conducted as with any complaint received against an EMS service program by applying rule 641—132.10(147A).

These rules are intended to implement Iowa Code chapters 135 and 613.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for November is 4.75%.

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 Iowa Banks and Iowa Savings Associations 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 by a committee of the state of Iowa 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 November 9, 2010, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TREASURER OF STATE(cont'd)

TIME DEPOSITS

7-31 days	.....	Minimum .05%
32-89 days	.....	Minimum .05%
90-179 days	.....	Minimum .05%
180-364 days	.....	Minimum .05%
One year to 397 days	.....	Minimum .30%
More than 397 days	.....	Minimum .65%

These are minimum rates only. The one year and less 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 Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 9220B

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 159.5, the Department of Agriculture and Land Stewardship hereby amends Chapter 1, "Administration," Iowa Administrative Code.

Chapter 1 provides the administrative structure of the Department. These amendments reflect the current structure of the Department's bureaus.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because these amendments update administrative rules to reflect the Department's existing structure.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective October 20, 2010. These amendments provide a benefit to the public by providing accurate information about the Department.

These amendments are intended to implement Iowa Code chapter 159.

These amendments became effective October 20, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 1.2(1) as follows:

1.2(1) Grain warehouse bureau. This bureau licenses, inspects and examines grain dealers and grain warehouse facilities and reviews financial statements of licensees to ensure compliance with requirements, including payment of fees into the grain indemnity fund. The bureau also reviews claims made against the fund and makes recommendations on those claims to the grain indemnity fund board, upon which the board takes action. This bureau includes the following unit:

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

b. Reserved.

ITEM 2. Amend subrule 1.2(4) as follows:

1.2(4) Agricultural diversification and market development bureau. This bureau processes applications for organic certification and works closely with the Iowa organic ~~standards board~~ advisory council to ensure approval of those applications that meet state and federal regulations. This bureau provides marketing opportunities for diversified agricultural products throughout the state. This bureau includes the following units:

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

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

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

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

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

ITEM 3. Rescind subrules **1.2(5)**, **1.2(6)** and **1.2(8)**.

ITEM 4. Renumber subrule **1.2(7)** as **1.2(5)**.

[Filed Emergency 10/20/10, effective 10/20/10]

[Published 11/17/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/10.

ARC 9224B

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.131, 455B.133, 455B.134, and 455B.152, the Environmental Protection Commission hereby amends Chapter 22, “Controlling Pollution,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” Iowa Administrative Code.

The purpose of the adopted amendments is to ensure that sources of greenhouse gas emissions in Iowa are regulated in the same manner and at the same levels as specified in new federal regulations for greenhouse gases, the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule).

Notice of Intended Action was published in the Iowa Administrative Bulletin (IAB) on August 11, 2010, as **ARC 8999B**. A public hearing was held on September 13, 2010. The Department did not receive any comments at the public hearing. The Department received ten sets of written comments before the close of the public comment period on September 14, 2010. The submitted comments and the Department’s response to the comments are summarized in the public responsiveness summary available from the Department. The Department did not make any changes to the adopted amendments from those published under Notice.

On April 2, 2007, the U.S. Supreme Court found that greenhouse gases, including carbon dioxide, are air pollutants covered by the Clean Air Act (*Massachusetts v. EPA*, 549 U.S. 497). The Court found that the U.S. Environmental Protection Agency (EPA) was required to determine whether emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

In April 2009, EPA responded to the Court by proposing a finding that greenhouse gases contribute to air pollution that may endanger public health or welfare. On December 7, 2009, EPA issued two distinct findings regarding greenhouse gases, as follows:

1. Endangerment Finding: EPA found that the current and projected atmospheric concentrations of the six key, well-mixed greenhouse gases that include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) threaten the public health and welfare of current and future generations; and
2. Cause or Contribute Finding: EPA found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to greenhouse gas pollution, which, in turn, threatens public health and welfare.

These findings, which were published December 15, 2009, did not impose any requirements on industry or other entities. However, these findings were a prerequisite for finalizing the greenhouse gas standards for light-duty vehicles and for setting a schedule to regulate greenhouse gases from stationary sources.

On March 29, 2010, EPA completed its reconsideration of the December 18, 2008, memorandum entitled “EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program,” often called “the Johnson memo.” The final action confirmed that any new pollutant that EPA may regulate becomes covered under the PSD program on the date when the EPA rule regulating that new pollutant takes effect. This action clarified that, for greenhouse gases, the date of PSD program coverage will be January 2, 2011, the date the light-duty vehicle rule is expected to take effect.

On April 1, 2010, EPA finalized the light-duty vehicle rule controlling greenhouse gas emissions. This rule confirmed that January 2, 2011, is the earliest date that a 2012 model year vehicle meeting these rule requirements may be sold in the United States. On that date, Clean Air Act permitting program requirements will apply to stationary sources of greenhouse gases.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

On May 13, 2010, EPA issued the final Tailoring Rule that establishes EPA's approach to addressing greenhouse gas (GHG) emissions from stationary sources under Clean Air Act permitting programs. EPA published the final Tailoring Rule in the Federal Register on June 3, 2010.

The Tailoring Rule for GHG emissions sets thresholds that specify when permits under the PSD and Title V programs are required for new and existing facilities. The Tailoring Rule tailors the requirements of these permitting programs to limit which facilities will be required to obtain PSD and Title V permits. The Tailoring Rule establishes a schedule that will initially focus air permitting programs on the largest sources that are already subject to PSD and Title V requirements. The Tailoring Rule then expands to cover the largest sources of GHG emissions that may not have been previously covered by the PSD or Title V permitting program for other pollutants.

EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to PSD and Title V permitting requirements under the Tailoring Rule, including the nation's largest GHG emitters, such as power plants, refineries, and cement production facilities, as well as other large industrial or commercial emitters. GHG emissions from smaller industrial or commercial facilities will not be covered by the PSD or Title V programs at this time.

The PSD and Title V emissions thresholds for criteria pollutants such as fine particulate, sulfur dioxide and nitrogen dioxide are 100 and 250 tons per year (tpy). EPA has determined that while these thresholds are appropriate for criteria pollutants, they are not feasible for GHGs because GHGs are emitted at much higher levels.

Through the Tailoring Rule, EPA will phase in the GHG permitting requirements in two initial steps outlined below, followed by assessment and rule making to phase in appropriate, additional requirements for controlling GHG emissions from stationary sources.

Step 1 (January 2, 2011, to June 30, 2011): Effective January 2, 2011, only sources currently subject to the PSD permitting program (i.e., sources that are newly constructed or modified in a way that significantly increases emissions of a pollutant other than GHGs) would be subject to permitting requirements for their GHG emissions under the PSD program. For these projects, only GHG increases of 75,000 tpy or more of total GHG (based on potential to emit (PTE) and using a specific formula to calculate "tpy CO₂ equivalent emissions (CO₂e)" as defined in the Tailoring Rule) would be subject to PSD for GHG emissions.

Similarly, for the Title V program, only sources currently subject to the program (i.e., newly constructed or existing major sources for a pollutant other than GHGs) would be subject to Title V requirements for GHG.

During this time, no sources would be subject to PSD or Title V permitting requirements due solely to GHG emissions.

Step 2 (July 1, 2011, to June 30, 2013): In this phase, PSD permitting requirements will, for the first time, cover new construction projects with a GHG PTE of at least 100,000 tpy CO₂e even if the projects do not exceed the permitting thresholds for any other pollutant. Modifications at existing facilities that increase their GHG PTE by at least 75,000 tpy CO₂e will be subject to permitting requirements, even if the modifications do not significantly increase emissions of any other pollutant.

In Step 2, Title V operating permit requirements will, for the first time, apply to sources based on their GHG emissions even if the requirements would not apply based on emissions of any other pollutant. Facilities with a GHG PTE of 100,000 tpy CO₂e or more will be subject to Title V permitting requirements.

In the Tailoring Rule, EPA commits to undertake another rule making to begin in 2011. The federal rule making will request comments on an additional step for phasing in GHG permitting and may discuss whether certain smaller sources can be permanently excluded from permitting. EPA states that it will not require permitting for smaller sources (those with a GHG PTE below 50,000 tpy) until at least April 30, 2016.

EPA indicates in the Tailoring Rule that EPA will complete a study by the end of April 2015 on remaining GHG permitting burdens that would exist if EPA applied permitting requirements to smaller sources. EPA states that it will complete a rule by April 30, 2016, further addressing permitting for these

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facilities. EPA may decide that successful streamlining will allow the phase-in of more sources. EPA may also decide that certain smaller sources need to be permanently excluded from GHG permitting.

This rule making amends the state's Title V and PSD air quality rules for GHG emission regulation so that the state rules match the federal Tailoring Rule (see references to the corresponding federal amendments in the item statements below).

Items 1 and 2 amend the definitions applicable to the Title V Operating Permit (Title V) program. In combination, these two amendments codify the limited conditions under which greenhouse gases are subject to Title V regulation.

Title V requires that an affected facility obtain a Title V operating permit. The Title V operating permit, which is renewed every five years, contains all air emission control requirements that apply to the facility, including the requirements established through construction permitting.

Item 1 amends the definition of "major source" in rule 567—22.100(455B) to add the Title V term "subject to regulation." This change is identical to the amended definition in the final federal Tailoring Rule (see 40 Code of Federal Regulations (CFR) 70.2, definition of "major source," as amended on June 3, 2010).

Item 2 amends rule 567—22.100(455B) to add the definition of "subject to regulation." The definition includes definitions for "greenhouse gases (GHGs)" and "tpy CO₂ equivalent emissions (CO₂e)" and further specifies the Title V applicability criteria for stationary sources of GHG emissions. The definition matches the new federal definition in the Tailoring Rule (see 40 CFR 70.2, definition of "subject to regulation," as amended on June 3, 2010).

Beginning January 2, 2011, power plants, industrial facilities, ethanol plants, state universities, municipal utilities, and other facilities in Iowa that are already considered major sources under the Title V program will be affected under the amendments.

The approximately 280 facilities that are currently subject to the Title V program have already been required to report GHG emissions under Iowa statutes and administrative rules. As these facilities apply for, renew or modify their Title V permits, they must address GHG requirements, such as calculating and reporting GHG emissions using the CO₂e methodology, and any other applicable requirements.

Beginning on July 1, 2011, additional sources of GHG emissions, such as ethanol plants, municipal utilities, some hospitals, and some larger landfills, will be classified as major sources under Title V.

The Department estimates that 65 additional facilities will become subject to Title V on July 1, 2011. These facilities will need to apply for a Title V permit by July 1, 2012. However, it is expected that at least one third of these 65 newly affected facilities (over 20 facilities) may already have, or may be able to take, enforceable limits in construction permits, such as limits on hours of operation or limits on production throughput, that would potentially reduce GHG emissions below the applicable Title V thresholds.

The amendments do not make any changes to the rules for Title V fees. At this time, owners or operators of Title V facilities are not required to include GHG emissions in calculating their Title V fee payments.

The Department received several comments regarding Title V fees. In general, the comments stated that the amendments as proposed in the Notice were not clear on whether Title V fees would be assessed on greenhouse gas emissions and that the Department should revise the final rules to clarify that greenhouse emissions are not included in Title V fee calculations.

These comments are addressed in detail in the public responsiveness summary. In summary, if the Department were to amend the definitions as suggested by the commenters, this would result in state regulations that do not match federal regulations and could result in EPA's disapproval of Iowa's implementation of the federal regulations.

EPA's preamble to the final, federal Tailoring Rule states that EPA is not addressing Title V fees for greenhouse gas emissions at this time. However, EPA recommends "that each program review its resource needs for GHG-emitting sources and determine if the existing fee approach will be adequate."

EPA's recommendation is in keeping with the Department's annual process for establishing the Air Quality Bureau budget and for setting the Title V fee. As part of this annual process, the Department holds several meetings for Title V fee payers and other stakeholders to discuss the budget and Title V

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fees. In addition to reviewing and discussing the reasonable costs to administer the Title V program, mechanisms for funding the air quality program are discussed each year, such as a fee for construction permits. The Department will continue to undertake a transparent and public process for developing the air quality budget and Title V fees.

Items 3 and 4 amend the definitions applicable to the PSD program. In combination, these two amendments codify the limited conditions under which greenhouse gases are subject to PSD program regulation.

New source review (NSR) is a federal term for review and preconstruction permitting of new or modified stationary sources of air pollution. The PSD program is a component of NSR that includes procedures to ensure that air quality standards are maintained. In general, the PSD program requires that an affected facility obtain a PSD permit specifying how the facility will control emissions. The permit requires the facility to apply Best Available Control Technology (BACT), which is determined on a case-by-case basis taking into account, among other factors, the cost and effectiveness of the control.

Item 3 amends subrule 33.3(1) to revise the definition of “regulated NSR pollutant” to clarify that the term “subject to regulation” is now specifically defined for the PSD program. Additionally, language is moved from paragraph “4” to new paragraph “5.” This change matches the amended definition in the final federal Tailoring Rule (see 40 CFR 52.21(b)(50)(iv) and 52.21(b)(50)(v), as amended on June 3, 2010).

Item 4 amends subrule 33.3(1) to add the definition of “subject to regulation” for the PSD program. The definition matches the final federal definition in the Tailoring Rule (see 40 CFR 52.21(b)(49), as amended on June 3, 2010). The definition includes definitions for “greenhouse gases (GHGs)” and “tpy CO₂ equivalent emissions (CO₂e)” and also specifies the methodology for calculating an emissions increase for GHGs, the applicable thresholds for GHG emissions, and the schedule indicating when the applicability thresholds take effect.

Starting January 2, 2011, facilities already subject to PSD and that also meet the threshold levels for GHG emissions will be impacted. A facility will be subject to PSD permitting requirements if the facility is a new major stationary source for a regulated NSR pollutant that is not a GHG and also will emit or has the potential to emit 75,000 tpy CO₂e; or if the facility is an existing major stationary source for a regulated NSR pollutant that is not a GHG, will have an emissions increase of a regulated NSR pollutant, and will have an emissions increase of 75,000 tpy CO₂e.

In any given year, the Department receives approximately 5 to 20 PSD project applications. The specific nature of the project will determine if it is subject to PSD requirements for GHGs. The Department expects very few projects to be affected by the new threshold levels for GHG emissions during this first phase.

Beginning July 1, 2011, a facility will be subject to PSD permitting requirements if the facility is a new stationary source that will emit or has the potential to emit 100,000 tpy CO₂e; or if the facility is an existing stationary source that emits or has the potential to emit 100,000 tpy CO₂e and when such stationary source undertakes a physical change or a change in the method of operation that will result in an emissions increase of 75,000 tpy CO₂e or more.

As noted above, the Department receives approximately 5 to 20 PSD project applications each year. The specific nature of the project will determine if it is subject to PSD requirements for GHGs. Additionally, the Department expects that many new or existing facilities may already have, or may be able to take, enforceable limits in construction permits, such as limits on hours of operation or limits on production throughput, that would potentially reduce GHG emissions below the applicable PSD thresholds.

The Department received several comments regarding the PSD program requirements for BACT for greenhouse gases. The commenters expressed concern that EPA had not yet issued BACT guidance for greenhouse gases. The commenters recommended that establishing BACT standards or guidance should be a high priority for the Department and that stakeholders should be included in the BACT guidance development.

These comments are addressed in detail in the public responsiveness summary. In summary, EPA’s BACT guidance for GHG emissions is meant to assist state agencies in their BACT determinations.

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The newly issued GHG BACT guidance will serve as additional guidance for already-established PSD regulations and guidance. Using EPA's guidance will help to ensure national consistency in BACT determinations. As in the past, the Department will establish BACT on a case-by-case basis for each individual PSD project. The Department is confident that it will be able to work with each affected facility to establish BACT for GHG emissions.

Several commenters recommended that the Department place a provision in the Adopted and Filed rules to allow for automatic nullification or rescission if the federal Tailoring Rule were to be vacated. These comments are addressed in detail in the public responsiveness summary.

In summary, the Department's response to these comments is as follows:

The Iowa Administrative Procedure Act, Iowa Code chapter 17A, specifies how state agencies, including the Department, must undertake rule makings. An important component of the required procedures includes public notice and opportunity for public participation. This opportunity for public involvement would be circumvented with an automatic rescission/nullification provision in the final rules and would be in violation of the Iowa Code requirements.

Additionally, Iowa Code section 455B.133 establishes the Environmental Protection Commission, the decision-making body for the Department of Natural Resources, Environmental Services Division. The Commission's authority and additional public input would be eliminated if the final rules provided for automatic rescission or nullification. Further, Iowa Code chapter 17A provides for General Assembly review of all rule makings by the Administrative Rules Review Committee (ARRC). ARRC's review would also be removed from the rule-making process by including an automatic rescission/nullification provision.

The Department cannot reasonably anticipate all possible federal actions related to greenhouse gases and how these actions would affect the federal Tailoring Rule. It would be nearly impossible and highly impractical for the Department to describe each possible federal action in the final rules and further describe the corresponding effect to the state rules. Attempting to do so would likely provide even more regulatory uncertainty for the Department and for regulated entities.

The Iowa Administrative Procedure Act, Iowa Code chapter 17A, provides several remedies in the event of legal or other federal actions to the federal Tailoring Rule or to related federal greenhouse gas provisions. Iowa Code chapter 17A sets forth specific provisions under which a state agency may conduct "emergency" rule making. The Department believes that a full or partial vacatur of the federal Tailoring Rule regulations would certainly meet the requirements for "emergency" rule making. The options allowed under "emergency" rule making would significantly shorten the rule-making schedule and allow the Department to react to the changes in federal regulations relatively quickly. Additionally, Iowa Code chapter 17A states that "An interested person may petition an agency requesting the adoption, amendment or repeal of a rule." This provision would allow a concerned party to implore the Department to undertake rule making if the federal Tailoring Rule or other related federal greenhouse gas regulation is repealed.

The Department may also choose to grant waivers or variances of the state's adoption of vacated federal regulations.

Several commenters recommended that the Department suspend finalizing the air quality amendments until the numerous legal challenges to the Tailoring Rule and other federal actions related to greenhouse gases and the Tailoring Rule are completed.

These comments are addressed in detail in the public responsiveness summary. In summary, it is not uncommon that EPA regulations are challenged through administrative or legal means. While some challenges are upheld by the courts, resulting in a remand or stay of the federal regulations, some EPA regulations are also upheld by the courts. Many of these legal challenges take years to resolve. Consequently, the Department cannot wait to undertake rule makings until the appeals to federal regulations run their course. Iowa's EPA-approved State Implementation Plan (SIP) and Iowa statute obligate the Department to ensure that the Clean Air Act is implemented and that citizens have air quality that is protected and maintained to the greatest extent possible.

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Without these amendments, GHG emission sources would be subject to the current Title V and PSD applicability thresholds of 100 tpy and 250 tpy, which the Department estimates would subject 61,000 facilities in Iowa to Title V permitting and 410 facilities to PSD permitting.

As with other federal air quality regulations, EPA may exercise its federal authority over states that do not implement federal air quality regulations. EPA indicates that it plans to take immediate action in states that fail to apply the GHG thresholds in the Tailoring Rule to the states' Title V and PSD programs by January 2, 2011. To avoid these consequences, the Department is proceeding with the rule making so that the adopted amendments will be in effect prior to January 2, 2011, and Iowa may continue to manage the PSD and Title V programs under state authority.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective on December 22, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [22.100, 33.3(1)] is being omitted. These amendments are identical to those published under Notice as **ARC 8999B**, IAB 8/11/10.

[Filed 10/22/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9223B**ENVIRONMENTAL PROTECTION COMMISSION[567]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The original Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on March 10, 2010, as **ARC 8599B**. An Amended NOIA was published in the Iowa Administrative Bulletin on July 28, 2010, as **ARC 8978B**. Seven public hearings were held across the state in six regional locations. Approximately 180 persons or groups provided written or oral comments on the proposed revisions to the water quality standards. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved.

The adopted amendments have been modified from those published in the original NOIA. Prior to presenting the amendments to the Environmental Protection Commission for approval, the Department made specific changes to 19 stream segments: 16 streams with classification changes, 1 stream with an administrative spelling change, and 2 streams withdrawn from rule making based on the need for additional information. The modifications were made after all comments from the public comment process were considered.

The changes made to the Notice prior to presentation to the Environmental Protection Commission (EPC) are as follows:

Classification changes

1. Big Creek (Linn Co.) – changed from Class A2 to Class A3 from the mouth (S9, T82N, R6W, Linn Co.) to the road crossing (NE¼, S34, T83N, R6W, Linn Co.)
2. Bear Creek (Dallas Co.) – changed from Class A2 to Class A1 from the lower extent of the apparent impounded area (estimated to be at the west line of SE¼, NE¼, S20, T78N, R28W, Dallas Co.) to its mouth at Raccoon River (S17, T78N, R28W, Dallas Co.)
3. Bluff Creek (Boone Co.) – changed from Class A2 to Class A1 from the upper end of the impoundment at Don Williams Lake (S32, T85N, R27W, Boone Co.) (NAD83) UTM coordinates X(Easting) 415236.01 Y(Northing) 4664622.49 to the bridge crossing at H Avenue (East line of S31, T85N, R27W, Boone Co.)

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4. Brush Creek (Fayette Co.) – changed from Class A2 to Class A3 from the bridge crossing at D Avenue (E½ of S4, T92N, R7W, Fayette Co.) to the confluence with Bear Creek (S8, T92N, R7W, Fayette Co.)

5. Brushy Creek (Carroll Co.) – changed from Class A2 to Class A3 from the confluence with Unnamed Creek (SE¼, S16, T82N, R34W, Carroll Co.) to the bridge crossing at 300th Street (S17, T82N, R34W, Carroll Co.)

6. Indian Creek (Story Co.) – changed from Class A2 to Class A1 from the mouth of Indian Creek (S32, T80N, R20W, Jasper Co.) to its confluence with the East and West Indian Creeks (S16, T82N, R22W, Story Co.)

7. Lime Creek (Buchanan Co.) – changed from Class A2 to Class A3 from the mouth of Lime Creek (S4, T86N, R10W, Benton Co.) to the Brandon Diagonal Boulevard (S26, T87N, R10W, Buchanan Co.)

8. Mill Race Creek (Iowa Co.) – changed from Class A2 to Class A1 from the mouth at Price Creek (S26, T81N, R9W, Iowa Co.) to the confluence with the Iowa River (S26, T81N, R10W, Iowa Co.)

9. Mineral Creek (Jones Co.) – changed from Class A2 to Class A3 from the bridge crossing at 60th Street (East line of S30, T85N, R1W, Jones Co.) to the confluence with Unnamed Creek (S36, T85N, R3W, Jones Co.)

10. Roberts Creek (Clayton Co.) – changed from Class A2 to Class A1 from the mouth of Roberts Creek (SE¼, S25, T93N, R5W, Clayton Co.) to the Fawn Hollow Road bridge (NW¼, S25, T94N, R5W, Clayton Co.)

11. Rock Creek (Polk Co.) – changed from Class A2 to Class A3 from the mouth (S32, T80N, R24W, Polk Co.) to the confluence with the Neal Smith Trail (NAD83) UTM coordinates X(Easting) 443999.12 Y(Northing) 4616612.12

12. Squaw Creek (Story Co.) – changed from Classes A1 and A2 to Class A1 from the mouth (S12, T83N, R24W, Story Co.) to the confluence with an unnamed tributary (NW¼, S9, T85N, R25W, Boone Co.)

13. Little Wapsipinicon (Buchanan Co.) – changed from Classes A1 and A2 to Class A1 from the mouth (S9, T89N, R10W, Buchanan Co.) to the confluence with Buck Creek (S32, T90N, R10W, Buchanan Co.) AND from the confluence with Buck Creek (S32, T90N, R10W, Buchanan Co.) to the confluence with an unnamed creek (upper extent of the low head dam impoundment near the City of Fairbank) (SE¼, S32, T91N, R10W, Fayette Co.)

14. Unnamed Creek (aka Carnarvon Creek) (Breda/Carroll Co.) – changed from Class A2 to Class A3 from the crossing with Sauk Rail Trail (NAD83) UTM Coordinates X(Easting) 333833.07 Y(Northing) 4679278.76 to the City of Breda WWTP outfall (S1, T85N, R36W, Carroll Co.)

15. Unnamed Creek (Urbana/Benton Co.) – changed from Class A2 to Class A3 from the mouth (SE¼, NE¼, S10, T85N, R9W, Benton Co.) to the bridge crossing at 56th Street (S3, T85N, R9W, Benton Co.)

16. West Fork Little Sioux River (Cherokee/Monona Co.) – changed from Class A2 to Class A1 from the mouth to the upper extent of the deeper water scoured area at the Tamarack Avenue bridge crossing (S1, T90N, R43W, Plymouth Co.) (NAD83) UTM Coordinates X(Easting) 264047.30 Y(Northing) 4725386.39

Spelling correction

Cheslea Creek (Cerro Gordo Co.) – corrected the spelling from the creek's initial entry as "Chelsea Creek" to "Cheslea Creek"

Stream segments withdrawn from rule making based on need for additional information

1. Rock Creek (Clinton Co.)
2. South Fork Middle River (Guthrie Co.)

The amendments were presented to the Environmental Protection Commission (EPC) on October 19, 2010. Public comments were accepted, and the amendments were discussed by the Commission. The Commission adopted amendments to the stream classifications adopted by reference in this rule making at the October 19, 2010, meeting.

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The EPC also requested and adopted the following changes:

1. Ames Creek (Clinton Co.) – changed from Class A2 to Class A1 from its mouth (S4, T80N, R4E, Clinton Co.) to the bridge crossing on 300th Street (East line, S20, T81N, R4E, Clinton Co.)
2. Hoosier Creek (Linn Co.) – changed from Class A2 to Class A3 from Vista Road Bridge crossing (S31, T82N, R6W, Linn Co.) to Unnamed Creek (SE¼, S25, T82N, R7W, Linn Co.)
3. Mill Creek (Cedar/Jones Cos.) – changed from Class A2 to Class A1 from Site 814-2 (SE¼, S1, T82N, R2W, Cedar Co.) to its mouth at Wapsipinicon River (S28, T83N, R1W, Jones Co.)
4. Roberts Creek (Clayton Co.) – changed from Classes A1 and A2 to Class A1 from unnamed tributary (section line, S8/9, T95N, R6W, Clayton Co.) to mouth at Turkey River (SE¼, S25, T93N, R5W, Clayton Co.)

With the inclusion of the modifications described above, this Adopted and Filed rule making changes the Commission's Water Quality Standards (WQS) as summarized in the tables below:

The following stream segments were approved:

Class A2 Stream Segments

	Stream Name	Basin	Stream Segment Length (miles)
1	Bailey Creek (Franklin Co.)	Iowa-Cedar	5.6
2	Bass Creek (Fayette Co.)	Northeast	1.55
3	Bear Creek (Dallas Co.)	Des Moines	0.93
4	Bear Creek (Dallas Co.)	Des Moines	3.5
5	Bear Creek (Delaware/Dubuque Co.)	Northeast	2.25
6	Bear Creek (Jackson Co.)	Northeast	2.9
7	Beaverdam Creek (Cerro Gordo/Franklin Co.)	Iowa-Cedar	25.68
8	Bloody Run (Clayton/Delaware Co.)	Northeast	2.62
9	Bluff Creek (Mahaska Co.)	Des Moines	4.63
10	Bluff Creek (Mahaska Co.)	Des Moines	0.2
11	Brush Creek (aka Skunk Slough) (Des Moines Co.)	Iowa-Cedar	10.7
12	Brush Creek (Fayette Co.)	Northeast	7.37
13	Brush Creek (Jackson Co.)	Northeast	1.4
14	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	13.48
15	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	14.80
16	Buffalo Creek (Kossuth Co.)	Des Moines	13.6
17	Camp Creek (Polk/Jasper Co.)	Des Moines	12.72
18	Camp Creek (Polk/Jasper Co.)	Des Moines	0.8
19	Cavitt Creek (Warren Co.)	Des Moines	1.14
20	Cavitt Creek (Warren Co.)	Des Moines	3.36
21	Cedar Creek (Keokuk Co.)	Skunk	8.1
22	Cedar Creek (Monroe/Marion/Mahaska Co.)	Des Moines	20.05
23	Cherry Creek (Jasper Co.)	Skunk	8.59
24	Chialk Creek (Howard Co.)	Northeast	1.09
25	Clear Creek (Jasper/Marshall Co.)	Skunk	10.74
26	Crooked Creek (Henry/Washington/Jefferson Co.)	Skunk	12.52
27	Deer Creek (Tama Co.)	Iowa-Cedar	7.1
28	East Branch Buffalo Creek (Fayette/Buchanan Co.)	Northeast	4.77

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	Stream Name	Basin	Stream Segment Length (miles)
29	East Branch Buffalo Creek (Fayette/Buchanan Co.)	Northeast	4.94
30	East Fork Crooked Creek (Henry/Washington Co.)	Skunk	11.92
31	East Fork Crooked Creek (Henry/Washington Co.)	Skunk	1.9
32	Elk Creek (Clayton Co.)	Northeast	5.9
33	Elk Creek (Clayton Co.)	Northeast	5.023
34	Elk Creek (Jasper Co.)	Skunk	18
35	Elkhorn Creek (Shelby Co.)	Southern	2.9
36	English Creek (Marion Co.)	Des Moines	5.62
37	Farm Creek (Pottawattamie/Mills Co.)	Southern	5.88
38	Honey Creek (Lucas Co.)	Southern	6.15
39	Hoosier Creek (Linn Co.)	Iowa-Cedar	0.335
40	Jordan Creek (Pottawattamie Co.)	Southern	10.45
41	Keg Creek (Harrison/Pottawattamie/Mills Co.)	Western	25.22
42	Keg Creek (Harrison/Pottawattamie/Mills Co.)	Western	2.42
43	Knapp Creek (Benton/Johnson Co.)	Iowa-Cedar	3.8
44	Lime Creek (Buchanan/Benton Co.)	Iowa-Cedar	3.4
45	Little River (Decatur Co.)	Southern	16.75
46	Little Turkey River (Clayton Co.)	Northeast	1.6
47	Little Wapsipinicon River (Buchanan Co.)	Northeast	7.92
48	Little Wapsipinicon River (Fayette/Bremer Co.)	Northeast	19.9
49	Little Whitebreast Creek (Lucas Co.)	Des Moines	13.02
50	Lost Island Outlet (Clay Co.)	Western	3.34
51	Lost Island Outlet (Clay Co.)	Western	1.54
52	Middle Branch Boone River (Wright/Hancock Co.)	Des Moines	7.5
53	Middle Creek (Warren Co.)	Des Moines	1.33
54	Mill Creek (O'Brien Co.)	Western	9.31
55	Mineral Creek (Jones Co.)	Northeast	20.3
56	Morgan Creek (Linn/Benton Co.)	Iowa-Cedar	1.51
57	North Fork Maquoketa River (Dubuque Co.)	Northeast	7.02
58	North Fork Maquoketa River (Dubuque Co.)	Northeast	3.84
59	Otter Creek (Fayette Co.)	Northeast	8.14
60	Otter Creek (Fayette Co.)	Northeast	0.13
61	Otter Creek (Fayette/Buchanan Co.)	Northeast	7.53
62	Otter Creek (Jackson/Dubuque Co.)	Northeast	7.65
63	Otter Creek (Tama Co.)	Iowa-Cedar	17
64	Panther Creek (Dallas Co.)	Des Moines	8.39
65	Pitman Creek (Lee Co.)	Skunk	2.02
66	Rock Creek (Clinton Co.)	Northeast	3.66
67	Rock Creek (Polk Co.)	Des Moines	3.03
68	Salt Creek (Tama Co.)	Iowa-Cedar	17

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	Stream Name	Basin	Stream Segment Length (miles)
69	Silver Creek (Clayton Co.)	Northeast	2.82
70	Snake Creek (Greene Co.)	Des Moines	2.7
71	Sugar Creek (Lee Co.)	Skunk	7.81
72	Union Slough Outlet (Kossuth Co.)	Des Moines	11.71
73	Unnamed Creek (City of Lime Springs)	Northeast	1.01
74	Unnamed Creek (City of Lime Springs)	Northeast	1.03
75	Unnamed Creek #3 (aka Volga Lake Outlet Creek) (Volga River Recreational Area)	Northeast	2.85
76	Volga River (Fayette Co.)	Northeast	2.57
77	Walnut Creek (Cedar/Jones Co.)	Northeast	0.48
78	Walnut Creek (Cedar/Jones Co.)	Northeast	5.94
79	West Branch Blue Earth River (Kossuth Co.)	Des Moines	0.49
80	West Branch Buffalo Creek (Buchanan Co.)	Northeast	6.48
81	West Branch Panther Creek (Dallas Co.)	Des Moines	1.38
82	West Fork Cedar River (Butler/Franklin Co.)	Iowa-Cedar	4.66
83	West Fork Little Sioux River (Monona/Cherokee Co.)	Western	7.05
84	West Fork West Nishnabotna River (Crawford/Shelby Co.)	Southern	20.23
85	West Indian Creek (Story Co.)	Skunk	9.55

Class A2, B(WW-2) Stream Segments

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
1	Badger Creek (Webster Co.)	Des Moines	1.64	1.64
2	Battle Creek (Ida Co.)	Western	2.67	2.67
3	Bear Creek (Story Co.)	Skunk	4.76	3.17
4	Beaverdam Creek (Cerro Gordo/Franklin Co.)	Iowa-Cedar	3.72	3.72
5	Beers Creek (Jackson/Jones Co.)	Northeast	16.17	2.75
6	Benjamin Creek (Jasper Co.)	Skunk	2.03	0.83
7	Big Creek (Henry Co.)	Skunk	6.86	6.86
8	Big Hollow Creek (Des Moines Co.)	Iowa-Cedar	1.35	1.35
9	Big Hollow Creek (Des Moines Co.)	Iowa-Cedar	0.85	0.85
10	Big Hollow Creek (Des Moines Co.)	Iowa-Cedar	1.52	1.52
11	Black Cat Creek (Emmet/Kossuth Co.)	Des Moines	42.2	8.3
12	Bloody Run (Dubuque Co.)	Northeast	4.92	1.54
13	Bloody Run (Dubuque Co.)	Northeast	0.56	0.56
14	Bluff Creek (Boone Co.)	Des Moines	2.23	2.23
15	Bridge Creek (Keokuk Co.)	Skunk	3.98	3.98
16	Brush Creek (Jasper/Marion Co.)	Des Moines	5.81	5.81

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
17	Brush Creek (Jasper/Marion Co.)	Des Moines	0.33	0.33
18	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	6.07	3.82
19	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	4.04	4.04
20	Buck Creek (Jasper Co.)	Skunk	3.28	3.28
21	Bull Ditch (Dickinson Co.)	Western	1.79	1.79
22	Bull Ditch (Dickinson Co.)	Western	0.16	0.16
23	Butcher Creek (Warren Co.)	Des Moines	1.7	1.7
24	Calhoun Creek (Jasper/Marion Co.)	Des Moines	11.22	5.49
25	Cheslea Creek (Cerro Gordo Co.)	Iowa-Cedar	0.68	0.68
26	Chicken Creek (Marshall Co.)	Iowa-Cedar	3.43	3.43
27	Cleghorn Ditch (Monona/Woodbury Co.)	Western	1.73	1.73
28	Cleghorn Ditch (Monona/Woodbury Co.)	Western	26.41	26.41
29	Coal Creek (Monroe Co.)	Des Moines	0.58	0.58
30	Comstock Creek (Wapello Co.)	Des Moines	2.79	2.79
31	Coon Creek (Iowa/Benton Co.)	Iowa-Cedar	1.06	1.06
32	Coon Creek (Iowa/Benton Co.)	Iowa-Cedar	1.07	1.07
33	Deer Creek (Tama Co.)	Iowa-Cedar	1.54	1.54
34	Dickersons Branch (Decatur Co.)	Southern	0.24	0.24
35	Donaldson Creek (Scott Co.)	Northeast	2.96	2.96
36	Drainage Ditch #11 (Clinton Co.)	Northeast	6.12	6.12
37	Drainage Ditch #11 (Polk Co.)	Skunk	1	1
38	Drainage Ditch #46 (Dickinson Co.)	Western	2.9	2.9
39	Drainage Ditch #51 (Kossuth Co.)	Des Moines	3.59	3.59
40	Drainage Ditch #60 (Palo Alto/Clay Co.)	Western	10.96	10.96
41	Drainage Ditch #60 (Sac Co.)	Western	1.65	1.65
42	Drainage Ditch #61 (Dickinson/Clay Co.)	Western	6.3	6.3
43	Drainage Ditch #64 (Hamilton Co.)	Skunk	5.31	5.31
44	Drainage Ditch #71 (Hamilton Co.)	Skunk	7.12	7.12
45	Drainage Ditch #80 (Kossuth Co.)	Des Moines	4	4
46	Drainage Ditch #105 (Hancock Co.)	Des Moines	4.17	4.17
47	Drainage Ditch #219 (Webster Co.)	Des Moines	2.14	2.14
48	East Branch Salt Creek (Tama Co.)	Iowa-Cedar	11.12	11.12
49	East Buttrick Creek (Greene/Webster Co.)	Des Moines	17.72	2.04
50	East Buttrick Creek (Greene/Webster Co.)	Des Moines	5.02	5.02
51	East Cedar Creek (Calhoun Co.)	Des Moines	15.39	15.39
52	East Fork Crooked Creek (Henry/Washington Co.)	Skunk	4.98	4.98
53	Elkhorn Creek (Shelby Co.)	Southern	1.07	1.07
54	Elliott Creek (Woodbury Co.)	Western	1.25	1.25
55	Elliott Creek (Woodbury Co.)	Western	3.2	3.2

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
56	Farmers Creek (Jackson Co.)	Northeast	21.7	2.17
57	Farmers Ditch (Woodbury Co.)	Western	8.982	8.982
58	Farmers Ditch (Woodbury Co.)	Western	0.02	0.02
59	Feddeke Creek (Butler Co.)	Iowa-Cedar	5.39	5.39
60	Frink Creek (Polk Co.)	Des Moines	4.22	4.22
61	Garretson Ditch (Woodbury Co.)	Western	17.72	17.72
62	Halburn Creek (Carroll Co.)	Des Moines	1.43	1.43
63	Halfway Creek (Sac/Ida Co.)	Western	10.27	6.99
64	Happy Run (Greene Co.)	Des Moines	1.5	1.5
65	Honey Creek (Lucas Co.)	Southern	6.025	6.025
66	Hoosier Creek (Linn Co.)	Iowa-Cedar	5.83	5.83
67	Howard Creek (Clayton Co.)	Northeast	1.96	1.96
68	Howard Creek (Clayton Co.)	Northeast	1.56	1.56
69	Jack Creek (Lee Co.)	Skunk	0.38	0.38
70	Johnny Creek (Louisa Co.)	Iowa-Cedar	2.77	2.77
71	Klondike Creek (Lyon Co.)	Western	5.99	5.99
72	Knapp Creek (Benton/Johnson Co.)	Iowa-Cedar	4.76	4.76
73	Lateral 6 (Buena Vista Co.)	Des Moines	5.27	5.27
74	Lateral 8 (Buena Vista Co.)	Des Moines	2.31	2.31
75	Lateral A (Hamilton/Hardin Co.)	Iowa-Cedar	3.51	3.51
76	Lime Creek (Sac Co.)	Western	1.87	1.87
77	Little Bear Creek (Iowa Co.)	Iowa-Cedar	10.05	10.05
78	Little Muchakinock Creek (Mahaska Co.)	Des Moines	1.98	1.98
79	Little River (Decatur Co.)	Southern	4.77	4.77
80	Long Creek (Des Moines Co.)	Skunk	5.18	5.18
81	Lotts Creek (Kossuth/Humboldt Co.)	Des Moines	22.41	9.79
82	Mason Creek (Scott Co.)	Northeast	5.9	5.9
83	McClure Creek (Butler Co.)	Iowa-Cedar	1.1	1.1
84	McGruder Creek (Decatur Co.)	Southern	4.42	4.42
85	Menneika Creek (Wapello Co.)	Des Moines	1.37	1.16
86	Middle Avery Creek (Wapello Co.)	Des Moines	13.87	4.3
87	Middle Branch Boone River (Hancock Co.)	Des Moines	4	4
88	Middle Fork South Beaver Creek (Hardin/Grundy Co.)	Iowa-Cedar	12.66	12.66
89	Mill Creek (Cedar/Jones Co.)	Northeast	4.55	3.13
90	Miller Creek (Monroe/Wapello Co.)	Des Moines	16.64	8.57
91	Morgan Creek (Linn/Benton Co.)	Iowa-Cedar	7.25	7.28
92	Muchikinock Creek (Polk Co.)	Des Moines	1.52	1.52
93	Mud Creek (Kossuth Co.)	Des Moines	12.3	4

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
94	Murphy Branch (Dallas/Boone Co.)	Des Moines	2	2
95	North Branch Old Mans Creek (Johnson Co.)	Iowa-Cedar	8.43	8.43
96	North Branch Volga River (Fayette Co.)	Northeast	11.67	6.4
97	North Skunk River (Jasper Co.)	Skunk	6.09	6.09
98	North Skunk River (Marshall Co.)	Skunk	5.76	5.76
99	Otter Creek (Fayette/Buchanan Co.)	Northeast	3.2	2.65
100	Paint Creek (Allamakee Co.)	Northeast	4.68	4.68
101	Pee Dee Creek (Davis Co.)	Des Moines	1.37	1.37
102	Pine Creek (Clayton Co.)	Northeast	3.5	3.5
103	Pioneer Creek (Cedar/Jones Co.)	Northeast	2.6	2.6
104	Plum Creek (Linn/Johnson Co.)	Iowa-Cedar	7.45	7.45
105	Poor Farm Creek (Buena Vista Co.)	Des Moines	0.21	0.21
106	Poor Farm Creek (Buena Vista Co.)	Des Moines	4.02	4.02
107	Prairie Creek (Jasper Co.)	Skunk	5.7	5.7
108	Rhine Creek (Johnson Co.)	Iowa-Cedar	0.45	0.45
109	Richland Creek (Keokuk/Washington Co.)	Skunk	4.9	4.9
110	Rock Creek (Keokuk Co.)	Skunk	9.19	9.19
111	Rock Creek (Story Co.)	Skunk	0.93	0.93
112	Sanders Creek (Johnson Co.)	Iowa-Cedar	2.13	2.13
113	Sents Creek (Marion Co.)	Des Moines	1.6	1.6
114	Skillet Creek (Webster Co.)	Des Moines	6.44	6.44
115	Smith Creek (Keokuk Co.)	Skunk	4.81	4.81
116	Smith Creek (Keokuk/Washington Co.)	Iowa-Cedar	11.97	11.97
117	Snake Creek (Greene Co.)	Des Moines	3.24	3.24
118	Soap Creek (Lee Co.)	Skunk	0.94	0.94
119	South Hoosier Creek (Linn Co.)	Iowa-Cedar	5.53	5.53
120	South Skunk River (Hamilton Co.)	Skunk	2.65	2.65
121	South Skunk River (Hamilton Co.)	Skunk	1.19	1.19
122	South Skunk River (Hamilton Co.)	Skunk	9.38	9.38
123	Spring Creek (Black Hawk Co.)	Iowa-Cedar	7.32	7.29
124	Spring Creek (Clinton Co.)	Northeast	1.23	1.23
125	Spring Creek (Des Moines Co.)	Iowa-Cedar	3.76	3.76
126	Spring Creek (Linn Co.)	Iowa-Cedar	2.24	2.24
127	Spring Creek (Mahaska Co.)	Skunk	3.47	3.47
128	Squaw Creek (Warren/Clarke Co.)	Des Moines	19.9	19.9
129	Stewart Creek (Floyd Co.)	Iowa-Cedar	1.65	1.65
130	Storm Creek (Carroll Co.)	Des Moines	13.3	13.3
131	Thunder Creek (Marion/Mahaska Co.)	Skunk	3.06	3.06
132	Tracey Creek (Marion Co.)	Des Moines	5.64	5.64

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
133	Turkey Run (Louisa Co.)	Iowa-Cedar	2.46	2.46
134	Unnamed Creek #1 (Center Village Care Facility)	Des Moines	1.6	1.6
135	Unnamed Creek #1 (City of Earlham)	Des Moines	0.4	0.4
136	Unnamed Creek #1 (City of Luxemburg)	Northeast	1.73	1.73
137	Unnamed Creek #1 (City of Mechanicsville)	Northeast	0.32	0.32
138	Unnamed Creek #1 (City of Melbourne)	Skunk	0.19	0.19
139	Unnamed Creek #1 (City of Monona)	Northeast	5.7	5.7
140	Unnamed Creek #1 (City of Mt. Vernon)	Iowa-Cedar	2.1	2.1
141	Unnamed Creek #1 (City of New Albin)	Northeast	0.47	0.47
142	Unnamed Creek #1 (City of Sidney)	Southern	0.76	0.76
143	Unnamed Creek #1 (City of Wall Lake)	Western	0.38	0.38
144	Unnamed Creek #1 (City of Waterville)	Northeast	0.35	0.35
145	Unnamed Creek #1 (City of Waukon)	Northeast	1.76	1.76
146	Unnamed Creek #1 (City of Wellsburg)	Iowa-Cedar	0.26	0.26
147	Unnamed Creek #1 (Country View Estates)	Des Moines	2.077	2.077
148	Unnamed Creek #1 (Country View Estates)	Des Moines	0.034	0.034
149	Unnamed Creek #1 (East Fork Biodiesel)	Des Moines	0.38	0.38
150	Unnamed Creek #1 (FPL Duane Arnold)	Iowa-Cedar	0.27	0.27
151	Unnamed Creek #1 (IDOT Garage - Carlisle)	Des Moines	2.75	2.75
152	Unnamed Creek #1 (IDOT Garage - Oskaloosa)	Des Moines	1.18	1.18
153	Unnamed Creek #1 (Lake Ridge Inc.)	Iowa-Cedar	1.14	1.14
154	Unnamed Creek #1 (Louis Dreyfus Commodities)	Des Moines	0.52	0.52
155	Unnamed Creek #1 (Marion County Care)	Des Moines	1.78	1.78
156	Unnamed Creek #1 (Marion County Care)	Des Moines	0.6	0.6
157	Unnamed Creek #1 (Norplex)	Northeast	2.28	2.28
158	Unnamed Creek #1 (Oregon Trail Energy)	Western	1.38	1.38
159	Unnamed Creek #1 (Viking Pump)	Iowa-Cedar	0.33	0.33
160	Unnamed Creek #2 (City of Crawfordsville)	Iowa-Cedar	0.77	0.77
161	Unnamed Creek #2 (City of Delhi)	Northeast	2.02	2.02
162	Unnamed Creek #2 (City of Earlham)	Des Moines	2.57	2.57
163	Unnamed Creek #2 (City of Earlham)	Des Moines	1.52	1.52
164	Unnamed Creek #2 (City of Fontanelle)	Southern	3.68	3.68
165	Unnamed Creek #2 (City of Le Grand)	Iowa-Cedar	0.64	0.64
166	Unnamed Creek #2 (City of Luxemburg)	Northeast	0.8	0.8
167	Unnamed Creek #2 (City of Mechanicsville)	Northeast	2.47	2.47
168	Unnamed Creek #2 (City of Melbourne)	Skunk	2.16	2.16
169	Unnamed Creek #2 (City of Monroe - East)	Skunk	0.75	0.75
170	Unnamed Creek #2 (City of Mt. Vernon)	Iowa-Cedar	0.53	0.53
171	Unnamed Creek #2 (City of Richland)	Skunk	0.86	0.86

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
172	Unnamed Creek #2 (City of Sidney)	Southern	0.64	0.64
173	Unnamed Creek #2 (City of Springbrook)	Northeast	4.41	4.41
174	Unnamed Creek #2 (City of Urbana)	Iowa-Cedar	0.66	0.66
175	Unnamed Creek #2 (City of Waukon)	Northeast	0.03	0.03
176	Unnamed Creek #2 (City of Wellsburg)	Iowa-Cedar	1.82	1.82
177	Unnamed Creek #2 (Eastern Iowa Airport-010)	Iowa-Cedar	2.57	2.57
178	Unnamed Creek #2 (King's Material Inc.)	Iowa-Cedar	1.28	1.28
179	Unnamed Creek #2 (Lake Ridge Inc.)	Iowa-Cedar	0.09	0.09
180	Unnamed Creek #2 (Louis Dreyfus Commodities)	Des Moines	1.78	1.78
181	Unnamed Creek #2 (Ortonville Business Park)	Des Moines	0.76	0.76
182	Unnamed Creek #2 (Risen Son Christian Village)	Western	1.18	1.18
183	Unnamed Creek #2 (Super 20 MHP)	Northeast	1.79	1.79
184	Unnamed Creek #2 (Swiss Valley Creamery - Luana)	Northeast	0.55	0.55
185	Unnamed Creek #2 (Volga River Recreation)	Northeast	0.57	0.57
186	Unnamed Creek #2 (Western Iowa Energy)	Western	0.63	0.63
187	Unnamed Creek #3 (City of Crawfordsville)	Iowa-Cedar	1.34	1.34
188	Unnamed Creek #3 (Western Iowa Energy)	Western	0.04	0.04
189	Unnamed Creek (Advanced Heat Treat Corp.)	Iowa-Cedar	0.08	0.08
190	Unnamed Creek (Advanced Heat Treat Corp.)	Iowa-Cedar	0.3	0.3
191	Unnamed Creek (aka Comrie Creek) (Montpelier Sanitary District)	Northeast	0.75	0.75
192	Unnamed Creek (aka Gails Creek) (City of Williamsburg)	Iowa-Cedar	0.27	0.27
193	Unnamed Creek (aka Hecker Creek) (Allamakee Co.)	Northeast	3.69	3.69
194	Unnamed Creek (Amana Colonies Golf Course)	Iowa-Cedar	0.54	0.54
195	Unnamed Creek (Ankeny Aquifer Storage Project)	Des Moines	0.39	0.39
196	Unnamed Creek (City of Albia - West)	Des Moines	2.38	2.38
197	Unnamed Creek (City of Allison)	Iowa-Cedar	2.72	2.72
198	Unnamed Creek (City of Arthur)	Western	0.3	0.3
199	Unnamed Creek (City of Balltown - North)	Northeast	3.67	3.67
200	Unnamed Creek (City of Baxter)	Skunk	5.2	5.2
201	Unnamed Creek (City of Belle Plaine)	Iowa-Cedar	1.25	1.25
202	Unnamed Creek (City of Breda)	Des Moines	2.97	2.97
203	Unnamed Creek (City of Burt)	Des Moines	1.57	1.86
204	Unnamed Creek (City of Chariton)	Des Moines	2.35	2.35
205	Unnamed Creek (City of Dallas Center)	Des Moines	5.9	5.9
206	Unnamed Creek (City of Dayton)	Des Moines	0.74	0.74
207	Unnamed Creek (City of Early)	Western	0.48	0.48

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
208	Unnamed Creek (City of Elk Horn)	Southern	0.75	0.75
209	Unnamed Creek (City of Halbur)	Des Moines	0.4	0.4
210	Unnamed Creek (City of Hartford)	Des Moines	0.6	0.6
211	Unnamed Creek (City of Holstein)	Western	0.73	0.73
212	Unnamed Creek (City of Jesup - South/Southeast)	Iowa-Cedar	0.64	0.64
213	Unnamed Creek (City of Jesup - South/Southeast)	Iowa-Cedar	2.68	2.68
214	Unnamed Creek (City of Larchwood)	Western	1.58	1.58
215	Unnamed Creek (City of Lidderdale)	Des Moines	2.06	2.06
216	Unnamed Creek (City of Marcus)	Western	5.9	5.9
217	Unnamed Creek (City of Marengo)	Iowa-Cedar	0.32	0.32
218	Unnamed Creek (City of Marengo)	Iowa-Cedar	0.45	0.45
219	Unnamed Creek (City of Masonville)	Northeast	0.07	0.07
220	Unnamed Creek (City of Massena)	Southern	0.34	0.34
221	Unnamed Creek (City of Maynard)	Northeast	0.27	0.27
222	Unnamed Creek (City of Mitchellville)	Des Moines	1.59	1.59
223	Unnamed Creek (City of Mt. Carmel)	Des Moines	1.93	1.93
224	Unnamed Creek (City of Norwalk)	Des Moines	0.26	0.26
225	Unnamed Creek (City of Oskaloosa SW)	Des Moines	0.02	0.02
226	Unnamed Creek (City of Oskaloosa NE)	Skunk	0.11	0.11
227	Unnamed Creek (City of Parnell)	Iowa-Cedar	3.2	3.2
228	Unnamed Creek (City of Peosta)	Northeast	0.67	0.67
229	Unnamed Creek (City of Reasnor)	Skunk	0.47	0.47
230	Unnamed Creek (City of Rickardsville)	Northeast	0.13	0.13
231	Unnamed Creek (City of Rickardsville)	Northeast	0.71	0.71
232	Unnamed Creek (City of Rose Hill)	Skunk	0.83	0.83
233	Unnamed Creek (City of Sheldon)	Western	0.01	0.01
234	Unnamed Creek (City of Sigourney, East)	Skunk	0.27	0.27
235	Unnamed Creek (City of St. Lucas)	Northeast	0.97	0.97
236	Unnamed Creek (City of Swisher)	Iowa-Cedar	2.62	2.62
237	Unnamed Creek (City of Van Wert)	Southern	0.22	0.22
238	Unnamed Creek (City of West Burlington)	Iowa-Cedar	0.56	0.56
239	Unnamed Creek (City of Winfield)	Skunk	0.22	0.22
240	Unnamed Creek (City of Winthrop)	Northeast	7.29	4.66
241	Unnamed Creek (Clear Lake Sanitary District)	Iowa-Cedar	0.28	0.28
242	Unnamed Creek (Clow Valve Company)	Skunk	0.47	0.47
243	Unnamed Creek (Comfort Inn Amana Colonies)	Iowa-Cedar	3.7	3.7
244	Unnamed Creek (Country Living MHP)	Des Moines	1.04	1.04
245	Unnamed Creek (DNR Backbone SP - Cabins)	Northeast	0.04	0.04
246	Unnamed Creek (DNR Bellevue State Park)	Northeast	1.9	1.9

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
247	Unnamed Creek (DNR Lake of Three Fires)	Southern	1.46	1.46
248	Unnamed Creek (Dubuque Regional Airport)	Northeast	0.57	0.57
249	Unnamed Creek (Eastern Iowa Airport 003)	Iowa-Cedar	0.14	0.14
250	Unnamed Creek (Golden Grain Energy)	Iowa-Cedar	0.35	0.35
251	Unnamed Creek (Harvester Golf Club Development)	Skunk	0.6	0.6
252	Unnamed Creek (Hawkeye Renewables)	Northeast	3.19	3.19
253	Unnamed Creek (Heller's Carbonic West)	Western	1.33	1.33
254	Unnamed Creek (Hickory Hollow Water Service)	Des Moines	0.76	0.76
255	Unnamed Creek (Hunt Cleaners)	Skunk	3.16	3.16
256	Unnamed Creek (IDOT Garage - Maquoketa)	Northeast	0.15	0.15
257	Unnamed Creek (IP&L - Ottumwa)	Des Moines	0.21	0.21
258	Unnamed Creek (IP&L - Sutherland)	Iowa-Cedar	0.38	0.38
259	Unnamed Creek (Keomah Village)	Skunk	1.76	1.76
260	Unnamed Creek (Kinze Manufacturing)	Iowa-Cedar	1.9	1.9
261	Unnamed Creek (Magellan Pipeline 200)	Western	0.17	0.17
262	Unnamed Creek (MidAmerican Energy Neal North)	Western	0.32	0.32
263	Unnamed Creek (Northern Natural Gas - Oakland)	Southern	2.66	2.66
264	Unnamed Creek (Northern Natural Gas - Redfield)	Des Moines	2.78	2.78
265	Unnamed Creek (Oakland Foods)	Southern	0.8	0.8
266	Unnamed Creek (Oskaloosa Food Products)	Des Moines	0.43	0.43
267	Unnamed Creek (PCS Nitrogen)	Northeast	0.58	0.58
268	Unnamed Creek (Pella Municipal Power Plant)	Skunk	1.11	1.11
269	Unnamed Creek (Plymouth Energy LLC)	Western	0.8	0.8
270	Unnamed Creek (South Squaw Valley Association)	Skunk	0.19	0.19
271	Unnamed Creek (Speedway Super America)	Iowa-Cedar	2.14	2.14
272	Unnamed Creek (Sunrise MHP)	Skunk	0.9	0.9
273	Unnamed Creek (Teen Challenge of the Midlands)	Skunk	0.23	0.23
274	Unnamed Creek (The Dexter Company - Foundry)	Skunk	1.85	1.85
275	Unnamed Creek (Tyson Fresh Meats - Perry)	Des Moines	0.25	0.25
276	Unnamed Creek (Unverferth Manufacturing Co.)	Iowa-Cedar	0.1	0.1
277	Unnamed Creek (US Bio Energy)	Northeast	0.17	0.17
278	Unnamed Creek (US Filter)	Northeast	0.1	0.1
279	Unnamed Creek (US Gypsum - Sperry Plant)	Iowa-Cedar	0.68	0.68
280	Unnamed Creek (Valley Hill Trailer Park)	Northeast	0.07	0.07
281	Unnamed Creek (Valley Hill Trailer Park)	Northeast	0.56	0.56
282	Unnamed Creek (Viking Pump Inc.)	Iowa-Cedar	0.38	0.38
283	Unnamed Creek (Yarmouth Community Building)	Skunk	3.52	3.52
284	Walnut Creek (Jasper/Marion Co.)	Des Moines	9.12	9.12

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Rec. Stream Segment Length (miles)	Aquatic Stream Segment Length (miles)
285	Walnut Creek (Scott Co.)	Northeast	8.87	8.87
286	West Beaver Creek (Greene Co.)	Des Moines	4.02	4.02
287	West Branch Buffalo Creek (Buchanan Co.)	Northeast	1.32	1.32
288	West Branch Buffalo Creek (Buchanan Co.)	Northeast	1.1	1.1
289	West Branch Buffalo Creek (Buchanan Co.)	Northeast	0.96	0.96
290	West Branch Mill Creek (O'Brien Co.)	Western	2.36	2.36
291	West Buttrick Creek (Webster Co.)	Des Moines	3.73	3.73
292	West Fork Little Sioux River (Monona/ Cherokee Co.)	Western	9.32	9.32
293	West Nodaway River (Cass/Montgomery Co.)	Southern	19.33	1.78
294	West Nodaway River (Cass/Montgomery Co.)	Southern	5.64	5.64
295	Westfield Creek (Plymouth Co.)	Western	1.01	1.01
296	Whiskey Creek (Cherokee/Plymouth Co.)	Western	11	3.88
297	Whitewater Creek (Dubuque Co.)	Northeast	0.62	0.62
298	Whitewater Creek (Dubuque Co.)	Northeast	0.68	0.68
299	Williams Creek (Allamakee Co.)	Northeast	9.88	8.1
300	Willow Creek (Cherokee Co.)	Western	22.72	13.24
301	Willow Creek (Clay Co.)	Western	4.26	4.26
302	Willow Creek (Sioux/Plymouth Co.)	Western	15.36	7.31
303	Willow Creek (Worth Co.)	Iowa-Cedar	2.81	2.81

Class A2, B(WW-3) Stream Segments

	Stream Name	Basin	Class A2 Stream Segment Length (miles)	Class B(WW-3) Stream Segment Length (miles)
1	Little Bluff Creek (Mahaska/Monroe Co.)	Des Moines	3.85	3.85
2	Packinghouse Creek (Monroe Co.)	Des Moines	0.42	0.42
3	Pitman Creek (Lee Co.)	Skunk	3.48	3.48
4	Unnamed Creek #1 (City of West Point)	Skunk	0.69	0.69
5	Unnamed Creek #2 (Ortonville Business Park)	Des Moines	0.16	0.16
6	Unnamed Creek (City of Aurora)	Northeast	0.6	0.6
7	Unnamed Creek (City of Balltown - South)	Northeast	0.56	0.56
8	Unnamed Creek (Pattison Sand)	Northeast	0.15	0.15

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Class A3, B(WW-2) Stream Segments

	Stream Name	Basin	Class A3 Stream Segment Length (miles)	Class B(WW-2) Stream Segment Length (miles)
1	Black Hawk Creek (Scott Co.)	Northeast	5.45	5.45
2	Brush Creek (Fayette Co.)	Northeast	1.09	1.09
3	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	6.07	3.82
4	Cheslea Creek (Cerro Gordo Co.)	Iowa-Cedar	0.89	0.89
5	College Creek (Story Co.)	Skunk	0.0087	0.0087
6	Elliott Creek (Woodbury Co.)	Western	0.85	0.85
7	Farmers Creek (Jackson Co.)	Northeast	0.23	0.23
8	Honey Creek (Boone Co.)	Des Moines	0.85	0.85
9	Middle Fork Catfish Creek (Dubuque Co.)	Northeast	10.53	1.16
10	Mineral Creek (Jones Co.)	Northeast	9.68	6
11	Morgan Creek (Linn/Benton Co.)	Iowa-Cedar	1.18	0.27
12	Muchikinock Creek (Polk Co.)	Des Moines	1.08	1.08
13	Paint Creek (Allamakee Co.)	Northeast	0.81	0.81
14	Poor Farm Creek (Buena Vista Co.)	Des Moines	2.4	2.4
15	Ralston Creek (Johnson Co.)	Iowa-Cedar	1.18	1.18
16	Rogg Creek (Sioux Co.)	Western	1.19	1.19
17	Sents Creek (Marion Co.)	Des Moines	0.33	0.33
18	Smith Creek (Washington Co.)	Iowa-Cedar	0.51	0.51
19	Soap Creek (Lee Co.)	Skunk	2.84	2.84
20	South Skunk River (Hamilton Co.)	Skunk	0.65	0.65
21	Unnamed Creek #1 (ISU Heating Plant)	Skunk	0.2	0.2
22	Unnamed Creek #2 (Advanced Heat Treat)	Iowa-Cedar	0.4	0.4
23	Unnamed Creek #2 (City of Urbana)	Iowa-Cedar	1.96	2.62
24	Unnamed Creek #2 (Viking Pump)	Iowa-Cedar	3.55	3.55
25	Unnamed Creek (Amana Colonies Golf Course)	Iowa-Cedar	0.66	0.66
26	Unnamed Creek (City of Breda)	Des Moines	4.41	4.41
27	Unnamed Creek (City of Charles City WTP)	Iowa-Cedar	1.48	1.48
28	Unnamed Creek (City of Coralville WTP)	Iowa-Cedar	0.81	0.81
29	Unnamed Creek (Hunt Cleaners)	Skunk	0.84	0.84
30	Unnamed Creek (Louise P. Moon ASR Well)	Des Moines	1.31	1.31
31	Unnamed Creek (Oskaloosa Food Products)	Des Moines	1	1
32	Unnamed Creek (Pella Municipal Power Plant)	Skunk	1.35	1.35

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

	Stream Name	Basin	Class A3 Stream Segment Length (miles)	Class B(WW-2) Stream Segment Length (miles)
33	Unnamed Creek (Speedway Super America)	Iowa-Cedar	1.1	1.1
34	Unnamed Creek (The Dexter Company - Foundry)	Skunk	1.03	1.03
35	Virden Creek (Black Hawk Co.)	Iowa-Cedar	1.13	1.13
36	Walnut Creek (Dallas/Polk Co.)	Des Moines	15.6	3.83
37	Walnut Creek (Marion Co.)	Des Moines	4.87	4.87
38	Yeader Creek (Polk Co.)	Des Moines	3	3

Class A3 Stream Segments

	Stream Name	Basin	Stream Segment Length (miles)
1	Bear Creek (Dallas Co.)	Des Moines	0.075
2	Bear Creek (Delaware/Dubuque Co.)	Northeast	0.9
3	Big Creek (Linn Co.)	Iowa-Cedar	2.87
4	Brush Creek (Fayette Co.)	Northeast	3.01
5	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	1.76
6	Camp Creek (Polk/Jasper Co.)	Des Moines	0.71
7	Cavitt Creek (Warren Co.)	Des Moines	0.5
8	Deer Creek (Tama Co.)	Iowa-Cedar	0.36
9	Dry Run (Black Hawk Co.)	Iowa-Cedar	3.05
10	East Branch Buffalo Creek (Fayette/Buchanan Co.)	Northeast	3.5
11	Hoosier Creek (Linn Co.)	Iowa-Cedar	0.945
12	Lime Creek (Buchanan/Benton Co.)	Iowa-Cedar	5.58
13	Lime Creek (Buchanan/Benton Co.)	Iowa-Cedar	0.78
14	North Fork Maquoketa River (Dubuque Co.)	Northeast	32.51
15	Otter Creek (Fayette Co.)	Northeast	1.39
16	Otter Creek (Fayette/Buchanan Co.)	Northeast	2.39
17	Otter Creek (Jackson/Dubuque Co.)	Northeast	0.82
18	Roberts Creek (Clayton Co.)	Northeast	18.29
19	Rock Creek (Polk Co.)	Des Moines	0.08
20	Spring Creek (Black Hawk Co.)	Iowa-Cedar	5.87
21	Volga River (Fayette Co.)	Northeast	0.24
22	Walnut Creek (Cedar/Jones Co.)	Northeast	1.01
23	West Fork West Nishnabotna River (Crawford/Shelby Co.)	Southern	1.26
24	Willow Creek (Sioux/Plymouth Co.)	Western	2.8

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Class B(WW-2) Stream Segments

	Stream Name	Basin	Stream Segment Length (miles)
1	Battle Creek (Ida Co.)	Western	3.29
2	Big Creek (Henry Co.)	Skunk	0.35
3	Big Hollow Creek (Des Moines Co.)	Iowa-Cedar	0.01
4	Bloody Run (Dubuque Co.)	Northeast	0.02
5	Brushy Creek (Carroll/Audubon/Guthrie Co.)	Des Moines	0.01
6	Bull Ditch (Dickinson Co.)	Western	0.15
7	Cleghorn Ditch (Monona/Woodbury Co.)	Western	0.14
8	Cleghorn Ditch (Monona/Woodbury Co.)	Western	0.02
9	Coon Creek (Iowa/Benton Co.)	Iowa-Cedar	0.01
10	Drainage Ditch #61 (Clay Co.)	Western	0.96
11	East Buttrick Creek (Greene/Webster Co.)	Des Moines	0.01
12	East Nishnabotna River (Carroll/Audubon Co.)	Southern	11.9
13	Elliott Creek (Woodbury Co.)	Western	0.04
14	Farmers Ditch (Woodbury Co.)	Western	0.008
15	Farmers Garretson Outlet Ditch (Monona/Woodbury Co.)	Western	2.5
16	Honey Creek (Lucas Co.)	Southern	0.125
17	Howard Creek (Clayton Co.)	Northeast	0.03
18	Lime Creek (Washington Co.)	Iowa-Cedar	1.76
19	Muchikinoek Creek (Polk Co.)	Des Moines	0.51
20	North Skunk River (Jasper/Marshall Co.)	Skunk	0.09
21	Poor Farm Creek (Buena Vista Co.)	Des Moines	0.05
22	Snake Creek (Greene Co.)	Des Moines	0.032
23	South Skunk River (Hamilton Co.)	Skunk	0.01
24	Spring Creek (Mahaska Co.)	Skunk	1.58
25	Unnamed Creek #1 (City of Le Grand)	Iowa-Cedar	0.01
26	Unnamed Creek #1 (City of Sidney)	Southern	0.01
27	Unnamed Creek #1 (Country View Estates)	Des Moines	0.009
28	Unnamed Creek #2 (City of Earlham)	Des Moines	0.01
29	Unnamed Creek #2 (Oregon Trail Energy)	Western	5.35
30	Unnamed Creek #2 (Ortonville Business Park)	Des Moines	0.01
31	Unnamed Creek (City of Jesup - South/Southeast)	Iowa-Cedar	0.01
32	Unnamed Creek (Pattison Sand)	Northeast	0.12
33	Walnut Creek (Marion Co.)	Des Moines	1.12
34	West Branch Buffalo Creek (Buchanan Co.)	Northeast	0.05
35	West Branch Buffalo Creek (Buchanan Co.)	Northeast	0.04
36	West Nodaway River (Cass/Montgomery Co.)	Southern	0.04
37	West Nodaway River (Cass/Montgomery Co.)	Southern	0.02
38	West Nodaway River (Cass/Montgomery Co.)	Southern	0.39
39	Whitewater Creek (Dubuque Co.)	Northeast	0.01

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

The stream descriptions provided in this preamble are designed to provide clear notice to the public and may be subject to nonsubstantive corrections to conform to the format used in the stream classification document. The stream classification document adopted by reference herein also contains nonsubstantive revisions to previously adopted stream designations to correct typographical or descriptive errors. All designations conform to the previously approved use designations, as amended by the Commission.

Additional information on Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

This amendment may have an impact upon small businesses.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment will become effective December 22, 2010.

The following amendment is adopted.

Amend subrule 61.3(5) as follows:

61.3(5) Surface water classification. The department hereby incorporates by reference "Surface Water Classification," effective ~~February 17, 2010~~ December 22, 2010. This document may be obtained on the department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

[Filed 10/22/10, effective 12/22/10]

[Published 11/17/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/10.

ARC 9228B

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code section 505.8, the Iowa Insurance Division hereby amends Chapter 5, "Regulation of Insurers—General Provisions," Iowa Administrative Code.

This amendment rescinds rule 191—5.25(505), which, prior to January 1, 2010, improved the Iowa Insurance Division's surveillance of the financial conditions of insurers by requiring an annual audit of financial statements by certified public accountants, communication of internal control related matters noted in an audit, and management's report of internal control over financial reporting. However, effective on and after January 1, 2010, 191—Chapter 98, Annual Financial Reporting Requirements, replaced rule 191—5.25(505).

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9079B**. Comments regarding this amendment were to be received during the comment period and at the public hearing on October 12, 2010. No public comment was received, and this amendment is identical to the one published under Notice of Intended Action.

Chapter 5 does not provide for waivers.

This amendment is intended to implement Iowa Code section 505.8.

This amendment will become effective December 22, 2010.

The following amendment is adopted.

Rescind and reserve rule **191—5.25(505)**.

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/10.

ARC 9229B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 505.8, the Iowa Insurance Division hereby adopts new Chapter 99, "Limited Purpose Subsidiary Life Insurance Companies," Iowa Administrative Code.

Pursuant to 2010 Iowa Acts, Senate File 2201, section 9, the rules in Chapter 99 authorize the establishment of domestic limited purpose subsidiary life insurance companies that are wholly owned by domestic insurers authorized to transact the business of insurance pursuant to Iowa Code chapter 508 and that may issue securities and otherwise access financial markets and alternative sources of capital through securitizations and other transactions.

This chapter does not provide for waivers.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9080B**. Comments regarding these rules were to be received during the comment period and at the public hearing on October 12, 2010. No public comment was received, and these rules are identical to those published under Notice of Intended Action.

These rules will become effective December 22, 2010.

These rules are intended to implement Iowa Code section 505.8 and 2010 Iowa Acts, Senate File 2201, section 9.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 99] is being omitted. These rules are identical to those published under Notice as **ARC 9080B**, IAB 9/22/10.

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9231B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 505.8, the Iowa Insurance Division hereby adopts new Chapter 110, "Standards and Commissioner's Authority for Companies Deemed to Be in Hazardous Financial Condition," Iowa Administrative Code.

The rules in Chapter 110 set forth the standards which the Commissioner may use for identifying insurers found to be in such condition as to render the continuance of their businesses hazardous to their policyholders, creditors, or the general public. This chapter shall not be interpreted to limit the powers granted the Commissioner by any laws or parts of laws of Iowa, nor shall this chapter be interpreted to supersede any laws or parts of laws of Iowa.

This chapter does not provide for waivers.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9105B**. Comments regarding these rules were to be received during the comment period and at the public hearing on October 12, 2010. Written comments were received from the Federation of Iowa Insurers, the Mutual Insurance Association of Iowa, and the Iowa Insurance Institute. The comments dealt with clarifying language and detailing particular terms and statements. Those particular areas needing clarification were explained in more detail, but due to the fact that the new rules are a model regulation, no changes were made to the rules published under Notice.

These rules are intended to implement Iowa Code section 505.8.

INSURANCE DIVISION[191](cont'd)

These rules will become effective December 22, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 110] is being omitted. These rules are identical to those published under Notice as **ARC 9105B**, IAB 9/22/10.

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9230B

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

The amendment adopts by reference significant changes to federal occupational safety and health standards pertaining to cranes and derricks in the construction industry. The new federal standards address inspections, use of synthetic slings, assessment of ground conditions, operator qualifications, work around power lines, and other crane and derrick issues.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa's regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, the Labor Commissioner must adopt changes to the federal occupational safety and health standards.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

Notice of Intended Action was published in the September 22, 2010, Iowa Administrative Bulletin as **ARC 9090B**. No public comment was received on the proposed amendment. This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement Iowa Code section 88.5.

This amendment shall become effective on December 22, 2010.

The following amendment is adopted.

Amend rule **875—26.1(88)** by inserting the following at the end thereof:
75 Fed. Reg. 48130 (August 9, 2010)

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/10.

ARC 9221B

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby amends Chapter 71, "Administration of the Conveyance Safety Program," Iowa Administrative Code.

These amendments make numerous changes concerning inspection of construction personnel hoists; change the rules to include the reduction in height of a construction personnel hoist erected to facilitate demolition; and allow the Labor Commissioner to combine two inspections of one conveyance.

The purposes of these amendments are to protect the health and safety of the public; to harmonize the rules with the industry standard for construction personnel hoists; and to implement legislative intent.

LABOR SERVICES DIVISION[875](cont'd)

No variance procedures are included in these rules. Applicable variance procedures are set forth in 875—Chapter 66.

Notice of Intended Action was published in the August 11, 2010, Iowa Administrative Bulletin as **ARC 8996B**. No public comment was received on the proposed amendments. These amendments are identical to those that were published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 89A.

These amendments shall become effective on December 22, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [71.1, 71.5, 71.9, 71.11, 71.14, 71.16] is being omitted. These amendments are identical to those published under Notice as **ARC 8996B**, IAB 8/11/10.

[Filed 10/21/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9232B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 89.14 as amended by 2010 Iowa Acts, Senate File 2181, the Boiler and Pressure Vessel Board amends Chapter 90, "Administration of the Boiler and Pressure Vessel Program," and Chapter 91, "General Requirements for All Objects," Iowa Administrative Code.

These amendments implement 2010 Iowa Acts, Senate File 2181, relating to the conversion of power boilers to low-pressure boilers; adopt by reference four American Society of Mechanical Engineers' code cases and the newest version of the National Board Inspection Code; and add an exception to the requirement for control safety data reports.

The purposes of these amendments are to protect the safety of the public and implement legislative intent.

No variance procedures are included in these rules. Applicable variance procedures are set forth in 875—Chapter 81.

Notice of Intended Action was published in the September 22, 2010, Iowa Administrative Bulletin as **ARC 9087B**. No public comment was received on the proposed amendments. These amendments are identical to those that were published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 89 as amended by 2010 Iowa Acts, Senate File 2181.

These amendments shall become effective on December 22, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [90.15, 91.1, 91.20(1)"d"] is being omitted. These amendments are identical to those published under Notice as **ARC 9087B**, IAB 9/22/10.

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9239B**PROFESSIONAL LICENSURE DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby amends Chapter 4, "Board Administrative Processes," Chapter 100, "Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments," Chapter 101, "Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments," and Chapter 102, "Continuing Education for Funeral Directors," Iowa Administrative Code.

The amendments update the rules to be consistent with guidance from the State Medical Director of the Department of Public Health and from the State Medical Examiner's Office. Universal precautions must always be followed by funeral directors when working with human remains, even though there is a very low risk of contracting an infectious disease from human remains. Thus, these amendments remove references to communicable disease. The amendments reorganize the internship requirements and establish rules for instances when there is an interruption in the 12-month internship program. An amendment to the continuing education chapter is necessary to be consistent with legislative changes in 2010 Iowa Acts, Senate File 2325, that revise the automatic exemptions for funeral directors' continuing education requirements in Iowa Code chapter 272C effective July 1, 2010. All other changes are technical in nature.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 14, 2010, as **ARC 8927B**. A public hearing was held on August 3, 2010, from 10 to 10:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No comments were received regarding the Noticed amendments. No changes were made to the amendments published under Notice of Intended Action.

These amendments were adopted by the Board of Mortuary Science on September 9, 2010.

These amendments will become effective on December 22, 2010.

These amendments are intended to implement Iowa Code chapters 21, 147, 142D, 144C, 156 and 272C and 2010 Iowa Acts, Senate File 2325, section 1.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 4, 100 to 102] is being omitted. These amendments are identical to those published under Notice as **ARC 8927B**, IAB 7/14/10.

[Filed 10/27/10, effective 12/22/10]

[Published 11/17/10]

[For replacement pages for IAC, see IAC Supplement 11/17/10.]

ARC 9238B**PUBLIC SAFETY DEPARTMENT[661]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 321.4, the Department of Public Safety hereby rescinds Chapter 91, "Weapons Permits," and adopts a new Chapter 91, "Weapons and Iowa Professional Permits to Carry Weapons," Iowa Administrative Code.

Iowa Code chapter 724 establishes a system of permitting for persons in Iowa to carry weapons. The Department of Public Safety is assigned the duties of designating as collector's items certain firearms that are classified as offensive weapons, issuing professional permits to carry weapons to state employees whose need to go armed is part of their job duties and to nonresidents of Iowa whose need to go armed is based on their employment, and publishing the forms for the issuance of Iowa permits to carry weapons and permits to acquire handguns.

Major changes to Iowa Code chapter 724 were enacted by the 83rd Iowa General Assembly in 2010 Iowa Acts, Senate File 2379 and Senate File 2357. The amendments adopted herein update the provisions

PUBLIC SAFETY DEPARTMENT[661](cont'd)

regarding the Commissioner's issuance of carry permits while retaining and updating rules regarding the publishing of forms and the designation of certain firearms as collector's items.

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9085B**. A public hearing was held on October 13, 2010, to receive comments from the public regarding the proposed rules. Comments were received orally at the hearing and in writing from the Iowa State Sheriffs and Deputies Association, the National Rifle Association and the Iowa Firearms Coalition. Several issues were raised in these comments, notably that the proposed definition of "addicted to alcohol" was too broad and prone to subjective interpretation and that the definition of "state of residence of active duty military personnel" would inappropriately restrict certain active duty military personnel from obtaining permits to carry weapons. Several other more minor issues were also identified.

In response to the public comments, the following changes from the proposed rules have been made to the rules adopted herein:

- The definition of "addicted to alcohol" has been rewritten to be clearer and less subject to interpretation than was the definition in the proposed rules. The revised definition also is more closely aligned with current medical practice than was the proposed definition.

- The definition of "crime punishable by imprisonment for a term exceeding one year" has been revised to omit the reference to foreign offenses.

- The definition of "identification documentation for an Iowa resident" and paragraph 91.3(1)"e" have been amended to recognize an exception to the general requirement that a nonimmigrant alien submit a hunting license from any state in addition to other required identification documents.

- Definitions of "state of residence" and "state of residence of active duty military personnel" were not adopted because the terms are not used elsewhere in Chapter 91.

- Rule 661—91.2(724), which sets out the forms to be used in weapons permitting, has been amended to include two additional forms:

1. Form WP10, Authorization for Wallet-Size Annual Permit to Acquire Pistols or Revolvers, and
2. Form WP11, Nonprofessional Permit to Carry Weapons (to be issued to Iowa residents who are on active duty military service with a permanent duty station located outside of Iowa).

- Rule 661—91.3(724) has been amended to clarify and correct the identification of federal prohibitions regarding possessing and acquiring weapons.

Administrative rules of the Department of Public Safety are subject to the waiver provisions of rule 661—10.222(17A), which sets out specific criteria and procedures for waivers of rules. The Department is unable to waive any requirement established as mandatory by statute.

This amendment is intended to implement Iowa Code chapter 724 as amended by 2010 Iowa Acts, Senate File 2379 and Senate File 2357.

This amendment will become effective on January 1, 2011.

The following amendment is adopted.

Rescind 661—Chapter 91 and adopt the following **new** chapter in lieu thereof:

CHAPTER 91

WEAPONS AND IOWA PROFESSIONAL PERMITS TO CARRY WEAPONS

661—91.1(724) Definitions. The following definitions apply to rules in this chapter:

"Addicted to the use of alcohol" means physiological or psychological dependence on the continued use of alcohol, or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

Alcohol addiction does not mean nonpathological alcohol use, such as social drinking or occasional or periodic intoxication not accompanied by disruption in social and family relationships, vocational or financial difficulties, or legal problems. Alcohol addiction also does not mean alcohol dependence with sustained full remission, as evidenced by a period of at least 12 months without instances or indicators of alcohol dependence or alcohol abuse. One or more instances of alcohol intoxication alone shall

PUBLIC SAFETY DEPARTMENT[661](cont'd)

not constitute alcohol addiction, unless accompanied by alcohol dependence or a maladaptive pattern of alcohol use leading to significant occupational, educational, familial, social, legal, or health-related problems.

Any of the following shall create a presumption that a person is addicted to the use of alcohol:

1. Affirmation by the person that the person is addicted to the use of alcohol and has not achieved sustained full remission;
2. Treatment for alcohol dependence, abuse, or addiction within the last 12 months, not including follow-up treatment or attendance at support groups during a period of sustained full remission;
3. A diagnosis of alcohol dependence or alcohol abuse from a properly licensed medical or psychological professional in the past 12 months;
4. Two or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past 12 months;
5. Three or more arrests, at least one of which resulted in a conviction, for unlawful use or possession of alcohol or other criminal act committed while under the influence of alcohol in the past five years if the most recent arrest occurred in the past 12 months;
6. Disciplinary action taken by any employer or organization for prohibited use or possession of alcohol in the past 12 months;
7. Failure to successfully complete alcohol rehabilitation or treatment in the past 12 months;
8. One or more instances of founded child or dependent adult abuse related to alcohol use in the past five years;
9. A test of the person's breath, blood, urine, or other bodily fluid which indicates that the person has engaged in unlawful acts involving alcohol, provided that the test was administered within the past 12 months; or
10. Documented reports or information from at least two credible sources that evidence a pattern of conduct indicating that the person is currently addicted to the use of alcohol as defined herein.

"Adjudicated as a mental defective" means a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

1. Is a danger to the person's self or to others; or
2. Lacks the mental capacity to contract or manage the person's own affairs.

The term shall include:

- A finding of insanity by a court in a criminal case; and
- Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

"Applicant" means a person who is applying for a permit to carry weapons.

"Background check" means an inquiry through the IOWA system to NICS, the IOWA and the National Crime Information Center (NCIC) systems person files and the driver's license file of the applicant as well as other available sources of information to be used to determine eligibility.

"Commissioner" means the commissioner of the Iowa department of public safety or, as applicable, the commissioner's designee.

"Committed to a mental institution" means a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily either as an inpatient or outpatient. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug or alcohol abuse. The term does not include admission to a mental institution for observation or a voluntary admission to a mental institution.

"Crime punishable by imprisonment for a term exceeding one year" means any federal or state offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of one year. The term shall not include any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices or any state offense classified by the laws of the state as a misdemeanor and punishable

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by a term of imprisonment of two years or less. What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction unless such pardon, expunction, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, or unless the person is prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

"Felony" means any crime punishable by imprisonment for a term exceeding one year as defined in this rule or any crime involving a firearm or explosive that is punishable by imprisonment for a term exceeding one year and is classified as a misdemeanor under the laws of this state.

"Firearm training documentation" means a photocopy of a certificate of completion or any similar document indicating completion of any firearm training program course; an affidavit from the instructor, school, organization or group that conducted or taught a firearm training program; a copy of or the display of an honorable discharge or general discharge under honorable conditions or Form DD-214 for personnel released or retired from active duty with the armed forces of the United States; or possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification for active duty personnel in the armed forces of the United States. For a renewal application, firearm training documentation also includes documentation of qualifying on a firing range under the supervision of an instructor certified by the National Rifle Association or the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body.

"Firearm training program" means any National Rifle Association handgun safety training course; any handgun safety training course available to the general public utilizing instructors certified by the National Rifle Association or the Iowa law enforcement academy or another state's department of public safety, state police department, or similar certifying body; any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the Iowa department of public safety; or completion of small arms training while serving with the armed forces of the United States. Any person or entity seeking approval by the Iowa department of public safety for a handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency, other than those certified by the National Rifle Association or the Iowa law enforcement academy or courses conducted by instructors certified by the National Rifle Association or the Iowa law enforcement academy, shall submit a detailed description of the course content to the commissioner for review. Any handgun safety training course submitted for review shall be reviewed by the commissioner to determine if the course is substantially equivalent to the Iowa law enforcement academy marksmanship qualification course.

"Identification documentation for an Iowa resident" means any of the following:

1. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation; or
2. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and at least one current document indicating Iowa residency, including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or
3. A document which contains the name, place of residence, date of birth and photograph of the holder issued by or under the authority of the United States, a state or a political subdivision of a state and which is of a type intended or commonly accepted for the purpose of identification of individuals and at least one current document indicating Iowa residency, including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the officer issuing the permit and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or

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4. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and a document indicating that the person is a member of the United States armed forces on active duty and whose permanent duty station is located in Iowa; or

5. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation and an immigration document containing the alien registration number (ARN) of a permanent resident alien or nonimmigrant alien and documentation indicating that the person has resided in the state for at least 90 consecutive days prior to the person's making application. A nonimmigrant alien shall also be required to display a valid hunting license issued in any state, meet the requirements of an exception pursuant to 18 U.S.C. § 922(y)(2), or display a waiver granted by the United States Attorney General.

"Identification documentation for a nonresident" means a motor vehicle license or nonoperator identification card which has been issued by a state other than Iowa and which contains a photograph of the person to whom it was issued.

"IOWA system" means the Iowa on-line warrants and articles criminal justice information system operated by the Iowa department of public safety for use by law enforcement and criminal justice agencies in the exchange of criminal history and other criminal justice information.

"Misdemeanor crime of domestic violence" means an offense that:

1. Is a misdemeanor under federal or state law; and
2. Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

"New application" means an application for an Iowa professional permit to carry weapons that is filed when the applicant does not currently hold an Iowa permit to carry weapons or when the applicant does not file the application at least 30 days prior to the expiration of a currently held Iowa permit to carry weapons.

"NICS" means the National Instant Criminal Background Check System established by the United States Attorney General pursuant to United States Code 18 U.S.C. § 922(t).

"Professional permit to carry weapons" means a permit to carry weapons issued to a person whose employment in a private investigation business or private security business licensed under Iowa Code chapter 80A, or whose employment as a peace officer, correctional officer with the Iowa department of corrections, private security officer, bank messenger or other person transporting property of a value requiring security, or whose employment in police work reasonably justifies that person's going armed. Property of value includes large quantities of cash transported in an armored car, negotiable instruments, gems, other high-value items transported by couriers, and other high-value property that may be vulnerable. Such a permit is valid only while the permitted person is engaged in the employment stated on the permit and while the person is traveling to and from that employment.

"Qualifying on a firing range" means successful completion of a course of live fire on a firing range under the supervision of an instructor certified by the National Rifle Association, the Iowa law enforcement academy, or another state's department of public safety, state police department, or similar certifying body.

"Renewal application" means an application for an Iowa professional permit to carry weapons filed at least 30 days prior to the expiration of a currently held permit.

"State employee" means a person whose need to go armed arises out of employment by the state of Iowa. "State employee" includes a railroad special agent as described in Iowa Code chapter 80.

"Unlawful user of or addicted to any controlled substance" means a person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the

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individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person applies for an Iowa permit to carry weapons or seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past five years if the most recent arrest occurred within the past year; or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. For a current or former member of the armed forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court-martial conviction, nonjudicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure.

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner to Iowa sheriffs:

1. Form WP1. Professional Permit to Carry Weapons
2. Form WP2. Nonprofessional Permit to Carry Weapons
3. Form WP3. Application for Annual Permit to Acquire Pistols or Revolvers
4. Form WP4. Annual Permit to Acquire Pistols or Revolvers
5. Form WP5. Application for Permit to Carry Weapons
6. Form WP6. Revocation/Cancellation of Permit to Carry/Permit to Acquire Weapons
7. Form WP7. Certified Peace Officer Permit to Carry Weapons
8. Form WP8. Reserve Peace Officer Permit to Carry Weapons
9. Form WP9. Authorization for Wallet-Size Permit to Carry Weapons, to be generated by the issuing officer including the type of permit, and, at a minimum, the individual identifiers of name and date of birth. A professional permit to carry weapons shall state the nature of employment requiring the holder to go armed.
10. Form WP10. Authorization for Wallet-Size Annual Permit to Acquire Pistols or Revolvers, to be generated by the issuing officer including the type of permit, and, at a minimum, the individual identifiers of name and date of birth, the residence of the permittee, and the effective date of the permit.
11. Form WP11. Nonprofessional Permit to Carry Weapons (issued to an Iowa resident who is serving on active duty in any branch of the United States military and whose permanent duty station is located in a state other than Iowa).

661—91.3(724) Federal and state prohibitions—permit to carry weapons.

- 91.3(1)** United States Code 18 U.S.C. § 922(g) prohibits the possession of any firearm by any person:
- a. Who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; or
 - b. Who is a fugitive from justice; or
 - c. Who is an unlawful user of or addicted to any controlled substance; or
 - d. Who has been adjudicated as a mental defective or who has been committed to a mental institution; or
 - e. Who, being an alien, is illegally or unlawfully in the United States. Persons lawfully admitted to the United States as immigrant or nonimmigrant aliens must have resided in Iowa for at least 90 continuous days before becoming eligible for an Iowa permit to carry weapons. Additionally, nonimmigrant aliens must display a current valid hunting license issued in any state, meet the requirements of an exception pursuant to 18 U.S.C. § 922(y)(2), or display a waiver granted by the United States Attorney General; or
 - f. Who has been discharged from the armed forces under dishonorable conditions; or
 - g. Who, having been a citizen of the United States, has renounced the person's citizenship; or
 - h. Who is subject to a court order that:
 - (1) Was issued after a hearing for which such person received actual notice and at which such person had an opportunity to participate;

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(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

i. Who has been convicted in any court of a misdemeanor crime of domestic violence.

91.3(2) United States Code 18 U.S.C. § 922(g) prohibits the receiving of any firearm by any person:

a. Who is under indictment for a crime punishable by imprisonment for a term exceeding one year.

b. Reserved.

91.3(3) Iowa Code chapter 724 as amended by 2010 Iowa Acts, Senate File 2379, prohibits the issuance of an Iowa professional permit to carry weapons to any person:

a. Who is less than 18 years of age for a private security officer licensed by the Iowa department of public safety, or otherwise who is less than 21 years of age; or

b. Who is addicted to the use of alcohol; or

c. For whom probable cause exists to believe, based upon documented specific actions of the person, where at least one of the actions occurred within two years immediately preceding the date of the permit application, that the person is likely to use a weapon unlawfully or in such other manner as would endanger the person's self or others; or

d. Who has been convicted of a felony in a state or federal court, or who has been adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult; or

e. Who is subject to a court order that:

(1) Was issued after a hearing for which such person received actual notice and at which such person had an opportunity to participate;

(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

f. Who has been convicted in any court of a misdemeanor crime of domestic violence; or

g. Who has, within the previous three years, been convicted of any serious or aggravated misdemeanor defined in Iowa Code chapter 708 not involving the use of a firearm or explosive.

661—91.4(724) Application procedures for an Iowa professional permit to carry weapons.

91.4(1) A nonresident of Iowa or a state employee who is required by employment to go armed may apply to the commissioner for a professional permit to carry weapons. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for permit to carry weapons.

b. Submit firearm training documentation. For a new application, training may have occurred at any time prior to the submission of the application. For a renewal application, training must have occurred within the 12-month period prior to the expiration date displayed on the applicant's current permit.

c. Submit the required fee:

(1) \$50 for a new application, or

(2) \$25 for a renewal application.

d. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

91.4(2) The commissioner will return an incomplete application to the applicant.

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661—91.5(724) Issuance or denial of application for permit to carry weapons.

91.5(1) Upon receipt of a completed application, the commissioner shall conduct a background check to determine that issuance of a permit to the applicant is not prohibited pursuant to rule 661—91.3(724).

91.5(2) Within 30 days, the commissioner shall approve or deny an application submitted pursuant to subrule 91.4(1). The commissioner's failure to act within 30 days of receipt of a complete application shall result in an application's being deemed to have been approved.

91.5(3) A permit issued pursuant to this chapter may be delivered, at the discretion of the applicant, to the applicant by U.S. mail or may be picked up personally by the applicant or a person designated by the applicant.

91.5(4) In the event an application is denied pursuant to this chapter, the commissioner shall issue a written statement of the reasons for the denial.

91.5(5) The commissioner may conduct a background check annually on a person issued a permit to carry weapons pursuant to this chapter but such check shall not include a NICS inquiry.

661—91.6(724) Suspension or revocation of permit to carry weapons.

91.6(1) When the commissioner finds that a person who has been issued a permit to carry weapons has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

91.6(2) A permit holder shall be notified immediately of such suspension by personal service or certified mail. The suspension shall become effective upon the permit holder's receipt of such notice. If notified by personal service, the permit shall be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the permit holder will be instructed to return the permit to the commissioner.

91.6(3) If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

91.6(4) If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

661—91.7(724) Appeals.

91.7(1) If the commissioner denies, suspends or revokes a professional permit to carry weapons for any reason other than the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3) "e" or "f," the applicant or permit holder may file an appeal with an administrative law judge by filing a copy of the denial, suspension, or revocation notice with a written statement that clearly states the applicant's reasons rebutting the denial, suspension, or revocation.

91.7(2) If the commissioner denies, suspends or revokes a professional permit to carry weapons solely for one or more of the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3) "e" or "f," the applicant or permit holder may pursue relief of the NICS determination pursuant to Public Law 103-159.

91.7(3) The outcome of proceedings conducted pursuant to subrule 91.7(2) shall be binding on the commissioner.

661—91.8(724) Reports and remittance to the state.

91.8(1) Each sheriff shall remit to the commissioner, by the seventh working day of the month that follows the month in which one or more permits to carry a weapon were issued, information about such permits, including the permit holder's name, date of birth, NICS transaction number, type of permit issued and the portion of the fee to be remitted to the department as required by the Iowa Code. The reporting of issued permits to carry a weapon shall be in a format designated for that purpose.

91.8(2) Fees for each reporting period shall be remitted by the sheriff and shall be in the form of a check made payable to Iowa Department of Public Safety.

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661—91.9(724) Offensive weapons as collector's items—method of classification. An offensive weapon, other than a machine gun, shall be classified by the commissioner as a collector's item when the firearm is so defined as a curio or relic in 27 CFR 478.11 as published April 1, 2010, in the Code of Federal Regulations.

These rules are intended to implement Iowa Code chapter 724 as amended by 2010 Iowa Acts, Senate File 2357 and Senate File 2379.

[Filed 10/27/10, effective 1/1/11]

[Published 11/17/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/10.

ARC 9235B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 101.1, the State Fire Marshal hereby amends Chapter 226, "Liquefied Petroleum Gas," Iowa Administrative Code.

Iowa Code section 101.1 authorizes and directs the Fire Marshal to establish requirements for the safe transportation, storage, handling, and use of liquefied petroleum gases. Iowa Code section 101.3 requires that the rules established for liquefied petroleum gas be "separately formulated and separately promulgated" from rules establishing requirements for transportation, storage, handling, and use of flammable and combustible liquids.

Rules for the safe transportation, storage, handling, and use of liquefied petroleum gas are found in Chapter 226 of the administrative rules of the Department of Public Safety. The amendments adopted herein update references to current editions of nationally accepted codes and standards and clarify other requirements.

The amendments adopted herein are based upon the International Fire Code, the National Fuel Gas Code, and the Liquefied Petroleum Gas Code, each with amendments, as safety requirements related to liquefied petroleum gas. This is consistent with Fire Marshal rules establishing general fire safety requirements.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9098B**. A public hearing on these amendments was held on October 13, 2010. The only comments received regarding the proposed amendments were provided by the Iowa Propane Gas Association and were corrective and editorial in nature. Editorial corrections responsive to these comments have been made, and one substantive change has also been made. The effective date of a prohibition of new introductions of railroad tank cars for propane storage has been delayed until January 1, 2012. It appears likely that the national standards that underlie these rules will contain such a prohibition, so the delayed effective date of rule 661—226.7(101) will serve to give persons that use such storage additional notice of the prohibition.

These amendments are intended to implement Iowa Code chapter 101.

These amendments will become effective on January 1, 2011.

The following amendments are adopted.

Amend **661—Chapter 226** as follows:

CHAPTER 226
LIQUEFIED PETROLEUM GAS

661—226.1(101) General requirements. The provisions of the International Fire Code, Chapter 38, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, and all references contained therein, are hereby adopted by reference as the general

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requirements for transportation, storage, handling, and use of liquefied petroleum gas, with the following amendments:

Delete section 3801.1 and insert in lieu thereof the following new section:

3801.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter, NFPA 54, ANSI Z223.1-~~2006~~ 2009 National Fuel Gas Code, ~~2006~~ 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, with the following amendments:

Amend NFPA 54, ANSI Z223.1-~~2006~~ 2009 National Fuel Gas Code, ~~2006~~ 2009 edition, as follows:

Delete section 7.3.5.2 and insert in lieu thereof the following new section:

7.3.5.2 Gas piping underground, outside a building, shall not be in physical contact with any concrete. Where it is necessary to install piping that will extend through or under an exterior concrete slab for connection to a regulator or other part of the system, before entering a building, the gas piping shall be sleeved. The sleeve shall extend through the concrete and be sealed only at the end extending above grade to prevent the entrance of insects, debris, or moisture. All piping, fittings, and risers shall be protected against corrosion in accordance with NFPA 54, National Fuel Gas Code, ~~2004~~ 2009 edition, section 5.6.6.

Delete section 8.2.1 and insert in lieu thereof the following new section:

8.2.1 Leak checks using fuel gas (propane vapor) shall be permitted in piping systems that have been pressure-tested in accordance with 661—subrule 226.5(1).

Amend NFPA 58, Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, as follows:

Properties of LP-gases shall be determined in accordance with Annex B of NFPA 58.

Delete section ~~5.2.3.1~~ 5.2.3 and insert in lieu thereof the following new section:

5.2.3.1 5.2.3 DOT cylinders in stationary service that are filled on site and therefore are not under the jurisdiction of DOT shall be either requalified in accordance with DOT requirements or visually inspected within 12 years of the date of manufacture and every 5 years thereafter, in accordance with ~~5.2.3.1(A)~~ 5.2.3.1 through ~~5.2.3.1(C)~~ 5.2.3.3. The effective date for qualification and requalification requirements of this section shall be July 1, 2010.

(A) **5.2.3.1** Any cylinder that fails one or more of the criteria in ~~5.2.3.1(C)~~ 5.2.3.3 shall not be refilled or continued in service until the condition is corrected.

(B) **5.2.3.2** Personnel shall be trained and qualified to perform inspections. Initial and refresher training shall be in accordance with rule 661—226.4(101).

(C) **5.2.3.3** Visual inspection shall be performed in accordance with the following:

(1) (A) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges, and corrosion according to CGA C-6-~~2005~~ 2007, Standards for Visual Inspection of Steel Compressed Gas Cylinders, ninth edition, except that paragraph 5.2.1.1(1) of that standard (which requires tare weight verification) shall not be part of the required inspection criteria.

(2) (B) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(3) (C) The cylinder is painted or coated to retard corrosion.

(4) (D) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(5) (E) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(6) (F) The cylinder is installed on a firm foundation and is not in contact with the soil.

(7) (G) A cylinder that passes the visual examination shall be marked with the month and year of the examination followed by the letter “E” (for example, 10-01E, indicating requalification in October 2001 by the external inspection method) and the requalifier identification number (RIN) in accordance with the requalifying agency’s permit issued by the United States Department of Transportation.

(8) (H) The results of the visual inspection shall be documented, and a record of the inspection shall be retained for a 5-year period or until the cylinder is again requalified, whichever occurs first.

Delete section 6.6.7.1 and insert in lieu thereof the following:

6.6.7.1 Installation of permanent, stationary containers on roofs of buildings shall be prohibited.

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Delete section 6.6.7.2.

Delete section 6.9.3.14 and insert in lieu thereof the following new section:

6.9.3.14 Underground metallic piping shall be protected against corrosion as warranted by soil conditions (see section 6.16). Underground gas piping that is outside a building shall not be in physical contact with any concrete.

Delete sections 6.12, 6.12.1, 6.12.2, and 6.12.3 6.14, 6.14.1, 6.14.2, and 6.14.3.

NOTE: Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58.

Delete paragraph 6.17.1.2(C) and insert in lieu thereof the following new paragraph:

6.17.1.2(C) Cylinders installed permanently on roofs of buildings shall be prohibited.

Delete section 6.17.11.1, including paragraphs (A) through (F), and insert in lieu thereof the following new section:

6.17.11.1 Cylinders installed permanently on roofs of buildings shall be prohibited.

Delete section 6.17.11.2.

Delete paragraph 6.19.1.2(C) and insert in lieu thereof the following new paragraph:

6.19.1.2(C) Cylinders installed permanently on roofs of buildings shall be prohibited.

Delete section 6.19.11.1, including paragraphs (A) through (F), and insert in lieu thereof the following new section:

6.19.11.1 Cylinders installed permanently on roofs of buildings shall be prohibited.

Delete section 6.19.11.2.

Delete section 7.2.1.1 and insert in lieu thereof the following new section:

7.2.1.1 Transfer operations shall be conducted by qualified personnel meeting the provisions of rule 661—226.4(101).

Delete section 11.2 and insert in lieu thereof the following new section:

11.2 Each person engaged in installing, repairing, filling, or otherwise servicing an LP-gas engine fuel system shall be trained in accordance with rule 661—226.4(101) and trained under the applicable installation and maintenance procedures established by the manufacturer.

Delete section 3801.2.

Delete section 3801.3 and insert in lieu thereof the following new section:

3801.3 Construction documents. Where a single container is more than 2,000 gallons (7,570 L) in water capacity or the aggregate capacity of containers is more than 4,000 gallons (15,140 L) in water capacity, the installer shall submit construction documents for such installation to the fire marshal for review and approval. Installation shall not commence until written approval from the fire marshal has been received.

Delete section 3803.1 and insert in lieu thereof the following new section:

3803.1 General. LP-gas equipment shall be installed in accordance with NFPA 54, ANSI Z223.1-2006 2009 National Fuel Gas Code, 2006 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2004 2008 edition, except as otherwise provided in this chapter.

Delete section 3803.2.1.7 and insert in lieu thereof the following new section:

3803.2.1.7 Use for food preparation. Where approved, listed LP-gas commercial food service appliances are allowed to be used for food preparation within restaurants and in attended commercial food-catering operations in accordance with NFPA 54, ANSI Z223.1-2006 2009 National Fuel Gas Code, 2006 2009 edition, the International Mechanical Code, 2006 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2004 2008 edition.

NOTE: The following are deletions from the adoption of the International Fire Code, 2006 edition.

Delete section 3803.3 and insert in lieu thereof the following new section:

3803.3 Location of equipment and piping. Equipment and piping shall not be installed in locations where such equipment and piping are prohibited by NFPA 54, ANSI Z223.1-2006 2009 National Fuel Gas Code, 2006 2009 edition.

Delete sections 3804 through 3804.4.

Delete section 3805.1 and insert in lieu thereof the following new section:

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3805.1 Nonapproved equipment. LP-gas shall not be used for the purpose of operating devices or equipment unless such device or equipment is approved for use with LP-gas in accordance with NFPA 58, Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, sections 1.5 through 1.5.3.

Delete section 3806.1 and insert in lieu thereof the following new section:

3806.1 Attendants. Transfer operations shall be conducted by qualified personnel meeting the provisions of rule 661—226.4(101).

Amend sections ~~308.3.1.1~~, 3803.2.1.6, 3809.3, and 3809.9, exception 3 to section 308.1.4, and the exception to section 3809.7 by deleting the phrase “~~a maximum~~ water capacity of ~~2.5 gallons~~ 2½ pounds” and inserting in lieu thereof the phrase “~~a maximum~~ water capacity of 2.7 gallons pounds.”

Delete section 3809.10 and insert in lieu thereof the following new section:

3809.10 Storage within buildings not accessible to the public. The maximum quantity allowed in one storage location in buildings not accessible to the public, such as industrial buildings, shall not exceed a water capacity of 735 pounds (334 kg) (nominal 300 pounds (136 kg) of LP-gas). Where additional storage locations are required on the same floor within the same building, they shall be approved by the authority having jurisdiction. Storage beyond these limitations shall comply with section 3809.11.

661—226.2(101) No change.

661—226.3(101) No change.

661—226.4(101) Qualifications of personnel.

226.4(1) Persons who transfer liquefied petroleum gas, who are employed to transport liquefied petroleum gas, or whose primary duties fall within the scope of this chapter shall be trained in proper handling procedures.

a. Training shall include both initial training and refresher training.

(1) Initial training shall include participation in a training program and shall include both a written qualification assessment (closed-book test) and a skills assessment, based on the objectives set forth in the recognized training program and the requirements of NFPA 54 National Fuel Gas Code, ~~2006~~ 2009 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, and any applicable requirements established in this chapter.

(2) Refresher training shall include both a written qualification assessment (closed-book test) and a hands-on skills assessment based on requirements of NFPA 54 National Fuel Gas Code, ~~2006~~ 2009 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, and any applicable requirements established in this chapter.

(3) The written qualification assessment shall be proctored through the training agency providing the refresher training or another qualified party.

(4) The hands-on skills assessment shall be completed by the training agency or another qualified party and shall include a verification of completion that shall be signed by the individual completing the required skills and the skills evaluator.

(5) Refresher training shall be provided at least every three years.

b. All training shall be documented. Documentation shall be maintained by the current employer of the person receiving the training.

226.4(2) Persons who install, service, test, or maintain propane gas utilization equipment, or gas piping systems of which the equipment is a part, or accessories shall be trained in the proper procedures in accordance with applicable codes.

a. Initial training shall include participation in a training program and shall include both a written qualification assessment (closed-book test) and a skills assessment, based on the objectives set forth in the recognized training program and the requirements of NFPA 54 National Fuel Gas Code, ~~2006~~ 2009 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, and this chapter.

b. Refresher training shall include both a written qualification assessment (closed-book test) and a hands-on skills assessment based on requirements of NFPA 54 National Fuel Gas Code, ~~2006~~ 2009 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2004~~ 2008 edition, and this chapter.

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c. The written qualification assessment shall be proctored through the training agency providing the refresher training or another qualified party.

d. The hands-on skills assessment shall be completed by the training agency or another qualified party and shall include a verification of completion that shall be signed by the individual completing the required skills and the skills evaluator.

e. Refresher training shall be provided at least every three years.

f. All training shall be documented. Documentation shall be maintained by the current employer of the person receiving the training.

226.4(3) No change.

661—226.5(101) Pressure testing.

226.5(1) Pressure testing required. After assembly and after any modification or repair, metallic LP-gas piping and hose shall be pressure-tested as follows:

a. No change.

b. Piping systems having operating pressures of 20 psig or less, all polyethylene and polyamide piping, and piping to which NFPA 54 National Fuel Gas Code, ~~2006~~ 2009 edition, is applicable, shall be tested in accordance with that code.

~~**226.5(2)** Testing for leakage. All LP-gas piping systems having operating pressures of 20 psig or less and all polyethylene and polyamide piping shall have system and equipment leakage tests performed in accordance with this chapter and Section 8.2 NFPA 54 National Fuel Gas Code, 2006 edition.~~

226.5(2) Testing for leakage. Immediately after the gas is turned on into a new system or into a system that has been initially restored after an interruption of service, the piping system shall be checked for leakage in accordance with this chapter and Section 8.2 of NFPA 54, National Fuel Gas Code, 2009 edition. Where leakage is indicated, the gas supply shall be shut off until the necessary repairs have been made.

a. All LP-gas piping systems that have operating pressures of 20 psig or less and all polyethylene and polyamide piping shall have system and equipment leakage tests performed in accordance with this chapter and Section 8.2 of NFPA 54, National Fuel Gas Code, 2009 edition.

b. Piping systems that serve industrial occupancies with LP-gas vapor pressures between 20 psig and 50 psig shall be tested in accordance with the requirements of the authority having jurisdiction.

c. All LP-gas liquid piping systems and vapor piping systems operating at pressures greater than 20 psig shall be tested for leakage in accordance with this chapter as follows:

(1) Propane liquid shall not be used.

(2) Propane vapor may be utilized.

(3) Methods utilized to perform leak tests may be measurement of flow, measurement of sustained pressure for a period of time sufficient to disclose any leaks, or other procedures adequate to verify the system is gas-tight.

226.5(3) No change.

226.5(4) Out-of-gas customers or interruption of service system start-up procedure. When a delivery of propane is made to any on-site container which is out of gas, or if propane service was interrupted, the delivery person shall comply with the following procedures.

a. When the “out-of-gas customer” is not present:

(1) The container service valve shall be shut off; and

(2) A tag shall be placed on the container service valve for the equipment the container services, indicating the container is out of service. The tag shall inform the gas customer to contact a qualified person to perform a leak check or other test on the system, as required by rules of the fire marshal, before turning on the container. Further action is the responsibility of the customer.

b. When the “out-of-gas customer” is present:

(1) The container service valve shall be shut off; and

(2) The gas customer shall be informed that the container is out of service and a qualified person must perform a leak check or other test on the system as required by this chapter or Section 8.2 of NFPA

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54 National Fuel Gas Code, ~~2006~~ 2009 edition, before turning on the container service valve. Further action is the responsibility of the customer.

661—226.6(101) No change.

661—226.7(101) Use of railroad tank cars in stationary service. On or after January 1, 2012, the use of railroad tank cars in stationary propane service shall be prohibited.

EXCEPTION: Existing installations for which prior written approval of the state fire marshal is documented in writing shall be permitted to remain in service.

661—226.8(101) Installation and use of DOT specification MC330 or MC331 cargo tanks in stationary service. The installation and use of DOT specification MC330 or MC331 cargo tanks in stationary service shall be in accordance with NFPA 58, 2008 edition, and this chapter.

226.8(1) Containers shall be repaired or altered to prevent moisture or water from collecting in any container well. Repairs or alterations to pressure vessels must meet the requirements of the National Board Inspection Code (NBIC) [5] and must be performed by a repair organization accredited by the NBIC and authorized to utilize the “R” code symbol stamp.

226.8(2) Following a repair or alteration and final inspection by a National Board-commissioned inspector, the repair organization will affix a “Repair” nameplate to the pressure vessel which is similar to the ASME nameplate.

226.8(3) Alternate methods for preventing moisture or water from collecting in any container well may be considered in accordance with the equivalency requirements set forth in NFPA 58, 2008 edition, Section 1.5, Equivalency.

These rules are intended to implement Iowa Code chapter 101.

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ARC 9234B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby amends Chapter 500, “Electrician and Electrical Contractor Licensing Program—Organization and Administration,” and Chapter 502, “Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees,” Iowa Administrative Code.

The Electrical Examining Board is authorized to adopt administrative rules governing all aspects of licensure for electricians and electrical contractors and of the state electrical inspection program. These amendments update the rules and establish separate license categories for residential electricians, residential master electricians, and residential electrical contractors.

These amendments were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9099B**. A public hearing on the proposed amendments was held on October 21, 2010. In response to comments received at the public hearing and otherwise, the following changes have been made to the amendments published under Notice of Intended Action:

- An exception has been added to renumbered subrule 502.2(6) to specify that examinations approved by another state may be used for licensing as a class A journeyman if other conditions are met.
- Language was added to paragraphs 502.2(8)“c” and “d” to clarify that use of participation in an electrical trade school to satisfy a prerequisite for licensure as a residential electrician is restricted to trade schools approved by the board and that use of experience as a licensed unclassified person to qualify

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to test for a residential electrician license is inclusive of the hours of experience required in residential wiring.

• Proposed subrule 502.3(4) was renumbered as 502.3(5), and a new subrule 502.3(4) was added to clarify that licensees on active military deployment for 91 or more consecutive days may have their license terms “tolled,” meaning that the expiration date of the license would be delayed for one calendar year or two calendar years.

Rules of the Electrical Examining Board are generally subject to waiver under the provisions of rule 661—501.5(17A).

These amendments are intended to implement Iowa Code chapter 103.

These amendments will become effective January 1, 2011.

The following amendments are adopted.

ITEM 1. Amend rule **661—500.2(103)**, definition of “Residential electrical work,” as follows:

“Residential electrical work” means electrical work in a residence in which there are no more than four living units within the same building and includes work to connect and work within accessory structures, which are structures no greater than 3,000 square feet in floor area, not more than two stories in height, the use of which is incidental to the use of the dwelling unit or units, and located on the same lot as the dwelling unit or units.

ITEM 2. Amend rule 661—502.1(103) as follows:

661—502.1(103) License categories and licenses required.

502.1(1) The following license categories ~~of license~~ are established:

- a.* Electrical contractor.
- b.* Residential electrical contractor.
- c.* Master electrician, class A.
- ~~*d.*~~ *d.* Master electrician, class B.
- e.* Residential master electrician.
- ~~*f.*~~ *f.* Journeyman electrician, class A.
- ~~*e.*~~ *g.* Journeyman electrician, class B.
- h.* Residential electrician.
- ~~*f.*~~ *i.* Apprentice electrician.
- ~~*g.*~~ *j.* Special electrician.
- ~~*h.*~~ *k.* Unclassified person.
- ~~*i.*~~ *l.* Inactive master electrician.

502.1(2) A person who holds any class of license issued by the board, other than a class B license, a residential electrical contractor license, a residential master electrician license, or a residential electrician license, may perform the work authorized by that license anywhere within the state of Iowa. A person who holds a special electrician license may perform the work which is authorized by that license endorsement. A person who holds a class B license may perform the work authorized by that license except in a political subdivision which, by local ordinance, has, pursuant to Iowa Code section 103.29, subsection 4, ~~as amended by 2009 Iowa Acts, Senate File 159,~~ restricted or barred such work by a person who holds a class B license. A person who holds a residential electrical contractor license, a residential master electrician license, or a residential electrician license may perform the work authorized by that license anywhere within the state of Iowa except within a political subdivision which has, by local ordinance, restricted the use of such a license.

502.1(3) No change.

ITEM 3. Amend rule 661—502.2(103) as follows:

661—502.2(103) License requirements.

502.2(1) No change.

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502.2(2) A residential electrical contractor license may be issued to a person who is licensed as a class A master electrician, a class B master electrician, or a residential master electrician and who is registered with the state of Iowa as a contractor pursuant to Iowa Code chapter 91C.

~~502.2(2)~~ 502.2(3) A class A master electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), and who meets one of the following requirements:

a. to c. No change.

~~502.2(3)~~ 502.2(4) A class B master electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), who presents credible evidence of having worked for a total of eight years (16,000 hours of cumulative experience) as a master electrician since 1989, and whose experience as a master electrician began on or before December 31, 1989.

502.2(5) A residential master electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), and who meets one of the following requirements:

a. Holds a current residential electrician or journeyman electrician license, has 2,000 hours of verified experience as a residential electrician or a journeyman electrician, and has passed a residential master electrician examination approved by the board; or

b. Holds a current special electrician license with a residential endorsement, has 4,000 hours of verified experience, and has passed a residential master electrician examination approved by the board.

~~502.2(4)~~ 502.2(6) A class A journeyman electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), and who meets one of the following requirements:

a. to c. No change.

EXCEPTION: An electrician currently licensed in another state may satisfy the sponsorship requirements for testing for a journeyman class A license by providing evidence of all of the following:

1. Current licensure as a journeyman or master electrician from another state which required passing a test sponsored by that state.

2. Completion of 18 hours of continuing education units approved by the board.

3. Completion of 1,000 hours of work in Iowa as an unclassified person.

~~502.2(5)~~ 502.2(7) A class B journeyman electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), who presents credible evidence of having worked for a total of eight years (16,000 hours of cumulative experience) as a journeyman electrician or master electrician since 1989, and whose experience as a journeyman electrician or master electrician began on or before December 31, 1990.

502.2(8) A residential electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), and who meets one of the following requirements:

a. Holds a current residential special electrician license and has held that license for a minimum of one year and has passed a residential electrician examination approved by the board; or

b. Has completed 6,000 hours of experience as an apprentice electrician and has passed a residential electrician examination approved by the board. An applicant may take the examination required by this paragraph after completing 5,000 hours of experience as an apprentice electrician, although the license will not be issued until the applicant has completed 6,000 hours of such experience; or

c. Has completed 4,000 hours of experience working under the direct supervision of a residential master electrician, a residential electrician, a master electrician, or a journeyman electrician; has successfully completed a minimum of one academic year of an electrical trade school approved by the board; and has passed a residential electrician examination approved by the board; or

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d. Has completed 8,000 hours of verified experience as a licensed unclassified person including at least 2,000 hours of verified work experience in residential wiring and has passed a residential electrician examination approved by the board; or

e. Has successfully completed a residential electrician apprenticeship program approved by the United States Department of Labor and passed a residential electrician examination approved by the board.

~~502.2(6)~~ **502.2(9)** A special electrician license may be issued to a person who submits to the board a completed application with the applicable fee, who is not disqualified from holding a license pursuant to rule 661—502.4(103), and who meets the qualifications for any endorsement entered on the license. Each special electrician license shall carry one or more endorsements as specified in paragraphs “a” through “d.”

a. to c. No change.

d. Endorsement 4, “Residential Electrician,” shall be included on a special electrician license if the licensee requests it and has passed a supervised written examination approved by the board or has completed four years of documented experience performing residential electrical work. A political subdivision may, by enactment of an ordinance filed with the board prior to its effective date, require that a special electrician performing work authorized by this endorsement be supervised by a master electrician. Special electrician licenses with “residential electrician” endorsements shall not be issued after December 31, 2010. Renewals of special electrician licenses with “residential electrician” endorsements shall not be issued after December 31, 2013.

~~502.2(7)~~ **502.2(10)** An apprentice electrician license may be issued to a person who submits a completed application to the board with the applicable fee, who is not disqualified pursuant to rule 661—502.4(103), and who is participating in an apprenticeship training program that is registered with the Bureau of Apprenticeship and Training of the United States Department of Labor. A person may hold an apprentice electrician license for no more than six years from the original date on which an apprentice electrician license is granted, except that a person may apply to the board for an exception to this limitation based upon a documented hardship. “Documented hardship” includes, but is not limited to, an interruption in service as an apprentice electrician for active military duty or for an extended illness.

~~502.2(8)~~ **502.2(11)** A license as an unclassified person may be issued to a person who submits a completed application to the board with the applicable fee, who is not disqualified pursuant to rule 661—502.4(103), and who is employed by a licensed electrical contractor.

~~502.2(9)~~ **502.2(12)** In lieu of renewal of the active master electrician license, an inactive master electrician license may be issued to a holder of a master electrician license whose license is due for renewal and who requests placement in inactive status. A holder of an inactive license shall maintain all requirements which would apply for an active master electrician license, except for payment of the fee required for an active license, during the term of the inactive license. If the license holder fails to meet any such requirement during the term of the inactive license, the license holder shall not be entitled to reinstatement of an active license. If the license holder continues to meet all such requirements while holding an inactive license, the license holder may obtain an active master electrician license by surrendering the inactive master electrician license, filing an application for reinstatement, and paying the applicable license fee. The holder of an inactive license who seeks reinstatement of an active license shall not receive any refund of the fee paid for the inactive license. A person who holds an inactive license may not perform work which requires the person to be a holder of that license; but may perform work authorized by any active license issued by the board which the person holds.

502.2(13) Retaking an examination. If passage of an examination is a requirement for issuance of a license:

a. An applicant who has taken the examination for a license twice and has failed the examination twice shall wait six months before taking the examination again and shall complete 12 hours of continuing education approved by the board on subjects related to the standards specified in 661—Chapter 504. After satisfying the requirements of this paragraph, the applicant may take the examination two additional times, or a maximum of four times.

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b. An applicant who has satisfied the conditions of paragraph “a” and who has taken the examination two additional times, or a total of four times, and has failed the examination four times shall wait an additional six months and shall complete an additional 12 hours of continuing education approved by the board on subjects related to the standards specified in 661—Chapter 504 before taking the examination again. After satisfying the requirements of this paragraph, the applicant may take the examination two additional times, or a maximum of six times.

c. An applicant who has satisfied the conditions of paragraph “b” and who has taken the examination two additional times, or a total of six times, and has failed the examination six times shall not be permitted to take the examination an additional time unless approved to do so by the board. An applicant who wishes to take an examination after failing it six times shall wait six months and then may petition the board to allow the applicant to take the examination an additional time. The applicant may be required to appear personally before the board when the board is considering the petition.

ITEM 4. Amend rule 661—502.3(103) as follows:

661—502.3(103) License terms and fees. The following table sets out the length of term of each license and the fee for the license.

License Type	Term	Fee
Electrical Contractor	3 years	\$375
<u>Residential Electrical Contractor</u>	<u>3 years</u>	<u>\$375</u>
Master Electrician, Class A	3 years	\$375
Master Electrician, Class B	3 years	\$375
<u>Residential Master Electrician</u>	<u>3 years</u>	<u>\$375</u>
Journeyman Electrician, Class A	3 years	\$75
Journeyman Electrician, Class B	3 years	\$75
<u>Residential Electrician</u>	<u>3 years</u>	<u>\$75</u>
Special Electrician	3 years	\$75
Apprentice Electrician	1 year	\$20
Unclassified Person	1 year	\$20
Inactive Master Electrician	3 years	\$75

502.3(1) Fees are payable in advance with the application, by check or warrant to the Department of Public Safety. The memo area of the check should read “Electrician ~~Licensing~~ License Fees.”

502.3(2) Notice of renewal shall be provided to each licensee no less than 30 days prior to the expiration of the current license.

502.3(3) If a license is issued for less than the period of time specified in the table above, the fee shall be prorated according to the number of months for which the license is issued.

502.3(4) A licensee who is on active military deployment for 91 or more consecutive calendar days during the term of a license may have the license period tolled as follows. “Tolled” means that the expiration date of the license shall be delayed for the period of time during which the license term is tolled.

a. A licensee who is on active military deployment for 91 or more consecutive calendar days during a licensing period may have the license terms tolled for one year.

b. A licensee who is on active military deployment for 366 or more consecutive calendar days during a licensing period may have the license terms tolled for two years.

c. A licensee who is on active military deployment for 91 or more consecutive calendar days but fewer than 366 consecutive calendar days may petition the board to have the license tolled for two years upon a showing of a special hardship which would not be alleviated by tolling the license term for only one year.

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d. A licensee who requests that the term of a license be tolled pursuant to this subrule shall provide a copy of military orders showing the beginning and ending dates of the deployment or deployments which are the basis for the request.

502.3(5) A licensee may obtain a replacement license for a license that has been lost. To order a replacement license, the licensee shall notify the board office in writing that the license has been lost and shall provide any information required by the board office, which may include, but is not limited to, the license number, the name of the licensee, and a description of the circumstances of the loss, if known. The fee for issuance of a replacement license shall be \$15.

EXCEPTION: If a licensee who is located in an area covered by a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6 which is currently in force or has been in force within the previous 90 days certifies to the board that the license was lost as a direct result of conditions which relate to the issuance of the disaster emergency proclamation, the fee for replacement of the license shall be waived.

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