

State of Iowa

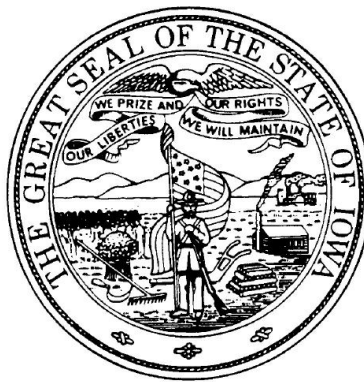
Iowa

Administrative

Code

Supplement

Biweekly
September 17, 2025



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

The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

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

Editor's telephone 515.281.3355 or 515.242.6873

Inspections and Appeals Department[481]

Replace Chapter 721

Replace Chapter 980

Environmental Protection Commission[567]

Replace Chapter 69

Public Health Department[641]

Replace Analysis

Replace Chapters 8 to 10

Replace Chapters 16 to 23

Replace Chapter 77

Replace Chapter 80

Replace Chapter 94

Public Safety Department[661]

Replace Analysis

Replace Chapter 22

Replace Chapter 24

Secretary of State[721]

Replace Analysis

Replace Chapter 45

Workforce Development Department[871]

Replace Analysis

Replace Chapters 62 and 63

Replace Chapters 68 and 69

Replace Chapter 75

CHAPTER 721
CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS AND
POLYSOMNOGRAPHIC TECHNOLOGISTS

[Prior to 4/17/02, see 645—Chapter 261]
[Prior to 9/18/24, see Professional Licensure Division[645] Ch 262]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/31/29

481—721.1(148G,152B,272C) Definitions.

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of respiratory care and polysomnography.

“*Continuing education*” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee completing an approved continuing education activity through live, virtual, online or prerecorded means where the instructor provides proof of completion by the licensee as set forth in these rules.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a respiratory care practitioner, polysomnographic technologist, or respiratory care and polysomnography practitioner in the state of Iowa.

[ARC 8074C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

481—721.2(148G,152B,272C) Continuing education requirements.

721.2(1) The biennial continuing education compliance period will extend for a two-year period beginning on April 1 of each even-numbered year and ending on March 31 of the next even-numbered year. Each biennium, the licensee will be required to complete continuing education that meets the requirements specified in rule 481—721.3(148G,152B,272C).

a. For respiratory care practitioner licensees: complete a minimum of 24 hours of continuing education.

b. For respiratory care and polysomnography practitioner licensees: complete a minimum of 24 hours of continuing education.

c. For polysomnographic technologist licensees: complete a minimum of 24 hours of continuing education.

721.2(2) Requirements of new licensees. Those persons licensed for the first time will not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired any time from the initial licensing until the second license renewal may be used. For each subsequent license renewal, the new licensee will be required to complete continuing education per biennium.

721.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

721.2(4) Up to 50 percent of continuing education hours can be carried over into the next biennium if there was an amount of continuing education completed during the prior period that exceeded the minimum requirement. A licensee whose license was reactivated during the current

renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

721.2(5) It is the responsibility of each licensee to finance the cost of continuing education.

[ARC 8074C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24; ARC 9556C, IAB 9/17/25, effective 10/22/25]

481—721.3(148G,152B,272C) Standards.

721.3(1) *General criteria.* A continuing education activity that meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

- a. Constitutes an organized program of learning that contributes directly to the professional competency of the licensee;
- b. Pertains to subject matters that integrally relate to the practice of the profession;
- c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;
- d. Fulfills stated program goals, objectives, or both; and
- e. Provides proof of attendance to licensees in attendance including:
 - (1) Date(s), location, course title, presenter(s);
 - (2) Number of program contact hours; and
 - (3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

721.3(2) *Specific criteria.* Continuing education hours of credit may be obtained by:

- a. Programs/activities of a clinical nature related to the practice of respiratory care or polysomnography.
- b. Program presenters who will receive one hour of credit for each hour of presentation for the first offering of the continuing education program/activity.
- c. Completing academic coursework that meets the criteria set forth in the rules and is accompanied by an official transcript indicating successful completion of the course. Continuing education credit equivalents are as follows:
 - 1 academic semester hour = 15 continuing education hours
 - 1 academic quarter hour = 10 continuing education hours
- d. The following are approved for continuing education credit on a one-time basis per biennium and require a certificate of attendance or verification:

CERTIFICATIONS:

Advanced Cardiac Life Support	12 hours
Basic Cardiac Life Support—Instructor	8 hours
Basic Cardiac Life Support	6 hours
Neonatal Resuscitation	9 hours
Pediatric Advanced Life Support	14 hours
Mandatory Reporting	4 hours
Certified Pulmonary Function Technologist	8 hours
Registered Pulmonary Function Technologist	12 hours

[ARC 8074C, IAB 6/26/24, effective 7/31/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code section 272C.2 and chapters 148G and 152B.

[Filed 12/8/00, Notice 10/24/00—published 12/27/00, effective 1/31/01]

[Filed 3/29/02, Notice 1/23/02—published 4/17/02, effective 5/22/02]

[Filed 1/14/04, Notice 10/15/03—published 2/4/04, effective 3/10/04]

[Filed 10/8/04, Notice 7/7/04—published 10/27/04, effective 12/1/04]

[Filed 5/12/05, Notice 3/16/05—published 6/8/05, effective 7/13/05]

[Filed 7/23/07, Notice 5/23/07—published 8/15/07, effective 9/19/07]

[Filed 10/30/08, Notice 8/27/08—published 11/19/08, effective 1/1/09]

[Filed ARC 9931B (Notice ARC 9780B, IAB 10/5/11), IAB 12/28/11, effective 2/1/12]

[Filed ARC 9932B (Notice ARC 9594B, IAB 7/13/11), IAB 12/28/11, effective 2/1/12]

[Filed ARC 0537C (Notice ARC 0221C, IAB 7/25/12), IAB 12/26/12, effective 1/30/13]

[Filed ARC 1453C (Notice ARC 1255C, IAB 12/25/13), IAB 5/14/14, effective 6/18/14]

[Filed ARC 2323C (Notice ARC 2224C, IAB 10/28/15), IAB 12/23/15, effective 1/27/16]

[Filed ARC 3932C (Notice ARC 3617C, IAB 2/14/18), IAB 8/1/18, effective 9/5/18]

[Filed ARC 4515C (Notice ARC 4259C, IAB 1/30/19), IAB 6/19/19, effective 7/24/19]

[Filed ARC 6993C (Notice ARC 6654C, IAB 11/16/22), IAB 4/19/23, effective 5/24/23]

[Filed ARC 8074C (Notice ARC 7504C, IAB 1/24/24), IAB 6/26/24, effective 7/31/24]

[Editorial change: IAC Supplement 9/18/24]

[Filed ARC 9556C (Notice ARC 9374C, IAB 6/25/25), IAB 9/17/25, effective 10/22/25]

BOARD OF NURSING HOME ADMINISTRATORS

CHAPTER 980

LICENSURE OF NURSING HOME ADMINISTRATORS

[Prior to 8/24/88, see Nursing Home Administrators Board of Examiners[600], Ch 2]

[Prior to 9/18/24, see Professional Licensure Division[645] Ch 141]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/19/29

481—980.1(155) Definitions. For purposes of these rules, the following definitions shall apply:

“Active license” means a license that is current and has not expired.

“Administrator” means a licensed nursing home administrator.

“Board” means the board of nursing home administrators.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active.

“HSE” means a Health Services Executive as designated by the National Association of Boards of Examiners of Long Term Care Administrators.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period.

“Licensee” means any person licensed to practice as a nursing home administrator in the state of Iowa.

“License expiration date” means December 31 of odd-numbered years.

“Licensure by endorsement” means the issuance of an Iowa license to practice nursing home administration to an applicant who is or has been licensed in another state.

“NAB” means National Association of Boards of Examiners of Long Term Care Administrators.

“Preceptor” means a person who is currently licensed as a nursing home administrator and is approved by the department to supervise a person in a mentoring or administrator training program.

“Provisional license” means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

“Reactivate” or *“reactivation”* means the process as outlined in rule 481—980.15(17A,147,272C) by which an inactive license is restored to active status.

“Reinstatement” means the process as outlined in rule 481—506.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24]

481—980.2(155) Requirements for licensure. The following criteria shall apply to licensure:

980.2(1) Submit a completed online application and pay the nonrefundable licensure fee specified in rule 645—5.10(147,155);

980.2(2) Provide verification of certification as an HSE through NAB; or

980.2(3) Provide verification of the following:

a. Transcripts verifying a baccalaureate or postbaccalaureate degree sent directly from an accredited college or university;

b. Passing score on all required national NAB examinations and meeting all other licensure requirements to be approved to take all required national NAB examinations;

c. Completion of one of the following:

(1) Administrator training program supervised by a preceptor who meets the requirements outlined in rule 481—980.4(155);

(2) Practicum in long-term health care completed through an accredited college or university; or

(3) 2,080 hours of long-term health care administration or health-care-related experience in a nursing home may be approved by board staff.

980.2(4) An applicant who has been licensed in another state will provide verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the

jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction's board office if it provides:

- a. Licensee's name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the licensee.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24; ARC 9469C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

481—980.3(147,155) Foreign-trained applicants. Foreign-trained nursing home administrators will:

980.3(1) Provide an equivalency evaluation of their educational credentials by International Educational Research Foundation, Inc., Credentials Evaluation Service. A candidate will be responsible for the expense of the curriculum evaluation.

980.3(2) Provide a copy of the certificate or diploma awarded to the applicant from a nursing home administration program in the country in which the applicant was educated.

980.3(3) Provide satisfactory evidence of completion of administrator training program, practicum or 2,080 hours of work experience in long-term health care administration.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24]

481—980.4(155) Preceptor qualifications. Preceptor qualifications are as follows:

980.4(1) Current licensure and at least two years of experience as a nursing home administrator.

980.4(2) Completion of NAB's preceptor training course or another board-approved training course prior to the preceptorship.

980.4(3) Preceptor has not had the preceptor's nursing home administrator license disciplined, limited, suspended, or placed on probation during the one year immediately prior to the preceptorship.

980.4(4) Is not related to the training administrator.

980.4(5) Is approved by board staff prior to preceptorship.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24; ARC 9469C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

481—980.5(155) Provisional license. A provisional license may be issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator. A provisional license is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed 24 months in an entire career. The 24 months in service are not required to be consecutive; however, a new application is required for each appointment period. It is the responsibility of the approved provisional administrator to maintain documentation of the actual dates the administrator serves in that capacity.

980.5(1) The limited circumstances under which the request for a provisional appointment will be granted include the inability of the licensed administrator to perform the administrator's duties, the death of the licensed administrator, or circumstances that prevent the immediate transfer of the licensed administrator's duties to another licensed administrator. A provisional license will not be issued to a licensed nursing home administrator.

980.5(2) Application for a provisional license shall be in writing on forms prescribed by the board. Applicants will meet the following minimum qualifications:

- a. Be at least 20 years of age.
- b. Be employed on a full-time basis of no less than 40 hours per week to perform the duties of the nursing home administrator.
- c. Be knowledgeable about the nursing home administrator's domains of practice, including resident care, human resources, finance, physical environment, and leadership and management.

d. Be without a history of unprofessional conduct or denial of or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 481—Chapter 982.

e. Provide evidence to establish that the provisional appointment will not exceed the lifetime maximum period of 24 calendar months in duration. For any period in which the applicant previously served as a provisional administrator, written employment verification or a written attestation of the facility owner, chief operating officer, or board officer will satisfy this requirement.

f. Provide evidence that the provisional appointment complies with the requirements in 481—subrule 58.8(4). A written attestation of the facility owner, chief operating officer, or board officer will satisfy this requirement.

980.5(3) Applications for an extension of the time period for the provisional appointment within the same facility do not require the payment of an additional fee, as long as all other requirements stated in this rule are met.

980.5(4) The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval will be based on information or circumstances warranting such action. The provisional administrator will be notified of the withdrawal of approval in writing by certified mail.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24; ARC 9469C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

481—980.6(155) Licensure by endorsement.

980.6(1) An applicant who has been a licensed nursing home administrator under the laws of another jurisdiction will file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

a. Meets the requirements of rule 481—980.2(155), and

b. Provides evidence of an active license as a nursing home administrator for at least two years just prior to application, or meets the qualifications outlined in rule 481—980.2(155).

980.6(2) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 481—501.1(272C).

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24; ARC 9469C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

481—980.7(147,155) License renewal.

980.7(1) The biennial license renewal period for a license to practice nursing home administration will begin on January 1 of each even-numbered year and end on December 31 of the next odd-numbered year. All licensees will renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration.

980.7(2) An individual who was issued a license within six months of the license renewal date does not need to renew the license until the subsequent renewal two years later.

980.7(3) A licensee applying for renewal shall:

a. Meet the continuing education requirements of rule 481—981.2(272C) and the mandatory reporting requirements of subrule 980.7(8). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

980.7(4) A two-year license will be issued after the requirements of this rule are met. If the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

980.7(5) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in

481—subrule 507.10(3). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

980.7(6) Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a nursing home administrator in Iowa until the license is reactivated.

980.7(7) Licensees will display their license certificate and proof of active licensure will be in a conspicuous public place at the primary site of practice.

980.7(8) Mandatory reporter training requirements.

a. A licensee who examines, attends, counsels, or treats children, dependent adults, or both in the scope of the licensee's professional practice will complete the applicable department of health and human services training relating to the identification and reporting of child abuse, dependent adult abuse, or both. Written documentation of training completion should be maintained for three years. The training is not required if the licensee is engaged in active duty military service or holds a waiver demonstrating a hardship in complying with these training requirements.

b. The board may select licensees for audit of compliance with the requirements in subrule 980.7(8).

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24; ARC 9469C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

481—980.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

980.8(1) Submit a completed online reactivation application and pay the nonrefundable application fee.

980.8(2) Provide verification of current competence to practice as a nursing home administrator by satisfying the following criteria:

a. Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license; and

b. Verification of completion of 40 hours of continuing education within two years of the application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24]

481—980.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive board-approved reinstatement of the license and must apply for and be granted reactivation of the license prior to practicing as a nursing home administrator in this state.

[ARC 7971C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 9/18/24]

These rules are intended to implement Iowa Code chapters 17A, 147, 155, and 272C.

[Filed 2/23/71]

[Filed 3/19/76, Notice 2/9/76—published 4/5/76, effective 5/10/76]

[Filed 11/18/76, Notice 9/22/76—published 12/15/76, effective 1/19/77]

[Filed 8/28/78, Notice 3/8/78—published 9/20/78, effective 10/25/78]

[Filed 12/8/78, Notice 9/20/78—published 12/27/78, effective 1/31/79]

[Filed 10/19/79, Notice 8/22/79—published 11/14/79, effective 12/21/79]¹

[Filed emergency 12/18/79—published 1/9/80, effective 12/18/79]

[Filed 5/7/80, Notice 4/2/80—published 5/28/80, effective 7/7/80]
 [Filed emergency 6/9/80—published 7/9/80, effective 7/7/80]
 [Filed 3/13/81, Notice 12/24/80—published 4/1/81, effective 5/7/81]
 [Filed 8/14/81, Notice 6/10/81—published 9/2/81, effective 10/7/81]
 [Filed 3/18/82, Notice 2/3/82—published 4/14/82, effective 5/19/82]
 [Filed 10/6/83, Notice 7/20/83—published 10/26/83, effective 12/1/83]
 [Filed emergency 11/30/83 after Notice 10/26/83—published 12/21/83, effective 11/30/83]
 [Filed 5/11/84, Notice 3/14/84—published 6/6/84, effective 7/12/84]
 [Filed 7/13/84, Notice 6/6/84—published 8/1/84, effective 9/5/84][◇]
 [Filed 11/8/84, Notice 9/12/84—published 12/5/84, effective 1/9/85]
 [Filed 1/11/85, Notice 11/7/84—published 1/30/85, effective 3/6/85]
 [Filed 4/4/85, Notice 12/5/84—published 4/24/85, effective 5/29/85]
 [Filed 7/10/85, Notice 6/5/85—published 7/31/85, effective 9/4/85]
 [Filed 1/17/86, Notice 8/14/85—published 2/12/86, effective 3/21/86]
 [Filed 8/5/88, Notice 3/23/88—published 8/24/88, effective 9/28/88]
 [Filed 2/17/89, Notice 12/14/88—published 3/8/89, effective 4/12/89]
 [Filed 11/22/89, Notice 9/20/89—published 12/13/89, effective 1/17/90]
 [Filed 4/13/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]
 [Filed 7/20/90, Notice 4/4/90—published 8/8/90, effective 9/12/90][◇]
 [Filed 3/15/91, Notice 12/26/90—published 4/3/91, effective 5/8/91]
 [Filed emergency 8/16/91—published 9/4/91, effective 8/16/91]
 [Filed 2/13/92, Notice 12/25/91—published 3/4/92, effective 4/8/92]
 [Filed 8/25/95, Notice 3/15/95—published 9/13/95, effective 10/18/95]²
 [Filed 9/4/98, Notice 7/15/98—published 9/23/98, effective 10/28/98]
 [Filed 6/11/99, Notice 4/7/99—published 6/30/99, effective 8/4/99]
 [Filed 10/29/99, Notice 9/8/99—published 11/17/99, effective 12/22/99]
 [Filed 9/29/00, Notice 7/26/00—published 10/18/00, effective 11/22/00]
 [Filed 5/11/01, Notice 3/21/01—published 5/30/01, effective 7/4/01]
 [Filed 10/21/04, Notice 8/18/04—published 11/10/04, effective 12/15/04]
 [Filed 7/21/05, Notice 4/27/05—published 8/17/05, effective 9/21/05][◇]
 [Filed 1/20/06, Notice 11/9/05—published 2/15/06, effective 3/22/06]
 [Filed 10/19/06, Notice 8/2/06—published 11/8/06, effective 12/13/06]
 [Filed ARC 7576B (Notice ARC 7285B, IAB 10/22/08), IAB 2/11/09, effective 3/18/09]
 [Filed ARC 0024C (Notice ARC 9801B, IAB 10/5/11), IAB 2/22/12, effective 3/28/12]³
 [Editorial change: IAC Supplement 3/21/12]
 [Filed ARC 0797C (Notice ARC 0651C, IAB 3/20/13), IAB 6/26/13, effective 7/31/13]
 [Filed ARC 5070C (Notice ARC 4936C, IAB 2/26/20), IAB 7/1/20, effective 8/5/20]
 [Filed ARC 5775C (Notice ARC 5453C, IAB 2/24/21), IAB 7/14/21, effective 8/18/21]
 [Filed ARC 6995C (Notice ARC 6657C, IAB 11/16/22), IAB 4/19/23, effective 5/24/23]
 [Filed ARC 7971C (Notice ARC 7476C, IAB 1/10/24), IAB 5/15/24, effective 6/19/24]
 [Editorial change: IAC Supplement 9/18/24]
 [Filed ARC 9469C (Amended Notice ARC 9273C, IAB 5/14/25; Notice ARC 8948C, IAB 2/19/25),
 IAB 8/6/25, effective 9/10/25]⁴

◇ Two or more ARCs

¹ Effective date of rule 600—2.7 delayed by the Administrative Rules Review Committee 70 days.

² Effective date of 645—subrule 141.3(2), delayed until adjournment of the 1996 General Assembly by the Administrative Rules Review Committee at its meeting held October 10, 1995.

³ March 28, 2012, effective date of 141.9(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 12, 2012.

- ⁴ September 10, 2025, effective date of amendments to ch 980 [ARC 9469C] delayed 70 days by the Administrative Rules Review Committee at its meeting held September 8, 2025.

CHAPTER 69
PRIVATE SEWAGE DISPOSAL SYSTEMS

[Prior to 7/1/83, Health Dept. Ch 12]
[Prior to 11/19/86, Water, Air and Waste Management[900] Ch 69]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/10/30

Chapter rescission date affected by Delay. See Delay note at end of chapter.

567—69.1(455B) General.

69.1(1) *Applicability.* These rules are applicable only to private sewage disposal systems (PSDSs).

69.1(2) *Definitions.* In addition to the definitions, references, and abbreviations in 567—Chapter 60, the following definitions shall apply to this chapter:

“*Administrative authority*” means the department or the local county board of health as authorized by Iowa Code section 455B.172 and chapter 137.

“*Approved*” means accepted or acceptable under an applicable specification stated or cited in these rules or accepted by the administrative authority as suitable for the proposed use.

“*Area drain*” means a drain installed to collect surface or storm water from an open area of a building or property.

“*At-grade system*” means a pressurized soil absorption system constructed at or near a primary treatment unit or a secondary treatment system.

“*Building drain*” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

“*Building sewer*” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of a PSDS conveying the drainage of a building site.

“*Chamber system*” means a buried structure, typically with a domed or arched top, providing at least a six-inch height of sidewall soil exposure creating a covered open space above a buried soil infiltrative surface.

“*Confining layer*,” also known as “limiting condition,” means solid or fractured bedrock, seasonally high groundwater level, any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch, or any other factor (natural or manmade) that does not provide the 36-inch depth separation required for soil absorption.

“*Conventional*,” when used in reference to sewage treatment, means a soil absorption system involving a series of two- to three-foot-wide trenches filled with gravel, containing a four-inch diameter rigid pipe or other alternative trench technologies to convey the sewage effluent. Gravel aggregate, chamber, and EPS aggregate systems are considered conventional soil absorption systems.

“*Distribution box*” means a device designed to accomplish the equal distribution of wastewater.

“*Dosing siphon*” means a manufactured device that provides a measured amount of effluent determined by the manufacturer’s specifications and design.

“*Drop box*” means a structure used to divert wastewater flow into a soil absorption trench. When the trench is filled to a set level, the drop box then allows any additional wastewater not absorbed by that trench to flow to the next drop box or soil absorption trench.

“*Dwelling*” means any house or place used or intended to be used by humans as a permanent or temporary residence.

“*Expanded polystyrene aggregate systems*” or “*EPS aggregate systems*” means cylinders comprised of expanded polystyrene (EPS) synthetic aggregate contained in high-strength polyethylene netting. The cylinders are a minimum 12 inches in diameter and are produced both with and without a distribution pipe.

“Fill soil” means clean soil, free of debris or large organic material, which has been mechanically moved onto a site and has been in place for less than one year, and is characterized by a lack of distinct horizons or color patterns as found in naturally developed, undisturbed soils.

“Filtered pump vault” means a device installed in a septic or pump tank that houses a pump and screens effluent with 1/8-inch or smaller diameter openings before it enters the pump.

“Foundation drain” means the portion of a building drainage system that is provided to drain groundwater, not including any wastewater, from the outside of the foundation or over or under the basement floor and that is not connected to the building drain.

“Gravel” means stone screened from river sand or quarried and washed free of clay and clay coatings. Concrete aggregate designated as Class II by the Iowa DOT is acceptable.

“Gravel aggregate system” means a soil absorption system utilizing gravel for distribution.

“Grease interceptor” means a watertight device designed to intercept and retain or remove grease and fatty substances. The device may be located inside (grease separator) or outside (grease tank or grease trap) a facility.

“Holding tank for waste” means a structure used for the retention or storage of domestic sewage pending removal for further treatment.

“Intermittent subsurface sand filter” or *“ISSF”* means a bed of granular materials underlain by gravel and collecting tile and provided with a natural topsoil cover over the crown of the distribution system. Primary treated effluent is applied intermittently to the surface of the bed through a distribution system, and the bed is underdrained to collect and discharge the secondary treated effluent. Uniform distribution is best obtained by dosing so as to utilize the entire surface of the bed.

“Mound system” means a pressurized aboveground soil absorption system used to disperse effluent from septic tanks in cases where a seasonally high water table, high bedrock conditions, slowly permeable soils, or limited land areas prevent conventional soil absorption systems.

“Other pressure distribution device” means any device used to evenly distribute effluent other than a manufactured siphon device intended to be used for effluent distribution.

“Percolation test” means a falling water level procedure used to determine the ability of soils to absorb effluent or pretreated effluent. See Appendix B of this chapter.

“Pressure distribution system” means a network of distribution pipes in which effluent is forced through orifices under pressure. Pressure distribution may be accomplished by use of a pump, siphon device, or other manufactured pressure distribution devices.

“Pretreated effluent” means effluent treated through aeration or other methods that, upon laboratory analysis, meets or exceeds a monthly average for CBOD₅ of 25 mg/L and TSS of 30 mg/L.

“Primary treatment unit” means a unit or system used to separate the floating and settleable solids from the wastewater before the partially treated effluent is discharged for secondary treatment.

“Private sewage disposal system” or *“PSDS”* is defined in Iowa Code section 455B.171. For the purposes of this chapter, the term includes the treatment systems presented in this chapter.

“Professional soil analysis” means an alternative to the percolation test that depends upon a knowledgeable person evaluating the soil characteristics, such as color, texture, and structure, in order to determine an equivalent percolation or loading rate.

“Proprietary treatment system” or *“PTS”* means any device or product that is certified by a third-party certifier accredited by the American National Standards Institute (ANSI) to meet the National Sanitation Foundation (NSF)/ANSI Standard 40-2023, October 1, 2023, available on the NSF website at: www.nsf.org, or equivalent testing as determined by the department. Examples may include but are not limited to peat moss biofilters, coconut fiber filters, synthetic foam filters, polystyrene bead media filters, textile filters, modular fixed film soil systems, or aerobic treatment units.

“PVC” means polyvinyl chloride.

“Qualified sampler,” for the purposes of collecting compliance effluent samples required under NPDES General Permit No. 4, means one of the following persons: a city or county environmental health staff person; an Iowa-certified wastewater treatment operator; or an individual who has received department-approved training to conduct effluent sampling.

“*Roof drain*” means a drain installed to receive water collecting on the surface of a roof and discharging into an area or storm drain system.

“*SCH*” means schedule, as in Schedule 40 pipe. It describes the wall thickness of a pipe.

“*SDR*” means standard dimension ratio, which is the ratio of pipe diameter to wall thickness. It is a method of rating a pipe’s durability against pressure.

“*Secondary treatment system*” means a system that provides biological treatment of effluent from septic tanks or other primary treatment units. Examples include but are not limited to soil absorption systems, ISSFs, PTSs, or other systems providing equivalent treatment.

“*Septic tank*” means a watertight structure into which wastewater is discharged for solids separation and digestion (referred to as part of the closed portion of the treatment system).

“*Soil absorption bed system*” means a soil absorption system that is a shallow excavation lined with aggregate or other suitable materials, including a leaching chamber or EPS materials.

“*Soil absorption system*” means a conventional, at-grade, mound, or soil absorption bed system that uses a system of perforated conduits connected to a distribution system, forming a series of subsurface, water-carrying channels into which the septic tank effluent or pretreated effluent is discharged for direct absorption into the soil (referred to as part of the open portion of the treatment system).

“*Soil professional*” means a person with training and experience in soil morphology, including but not limited to experience in testing the absorption qualities of soil by the physical examination of the soil’s color, mottling, texture, structure, topography, and hillslope position.

“*Stream*” means any watercourse listed as a “designated use segment” in 567—61.3(455B).

69.1(3) General PSDS regulations.

a. Connections to approved sewer systems.

(1) No PSDS shall be installed, repaired, or rehabilitated where a publicly owned treatment works (POTW) is available or where a local ordinance requires connection to a POTW. A POTW may be considered unavailable when the POTW, or any building or any exterior drainage facility connected thereto, is located more than 200 feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by a POTW. Final determination of availability shall be made by the administrative authority.

(2) When a POTW becomes available within 200 feet, any building then served by a PSDS shall be connected to said POTW within a time frame and under conditions set by the administrative authority.

(3) When a POTW is not available, every building wherein persons generate domestic sewage shall be provided with an approved PSDS. A holding tank for waste may be used only if all other PSDS options are impractical.

(4) If a building is to be connected to an existing PSDS, that existing system shall meet the requirements of these rules.

b. Construction or alteration. All constructed or altered PSDSs shall comply with this chapter. Alteration includes any changes that affect the treatment or disposal of the waste. Repair of existing components of a PSDS that do not change the treatment or disposal of the waste are not considered alterations. However, the discharge restrictions in 69.1(8) apply.

c. Abandonment. PSDSs shall be abandoned in the following manner:

(1) Concrete tanks shall be pumped, the tank lid crushed into the tank, and the tank filled with sand or soil.

(2) Plastic, fiberglass, or metal tanks shall be pumped and removed and the cavity filled with sand or soil.

69.1(4) Construction permit required. No PSDS shall be installed or altered as described in 69.1(3)“b” unless a construction permit issued by the administrative authority is obtained prior to construction. PSDS installation shall be in accordance with these rules.

69.1(5) *Permit by rule.* This chapter is intended to act as a permit by rule for PSDSs. Activities in compliance with this chapter are permitted by the director for purposes of compliance with Iowa Code sections 455B.183 and 455B.186.

69.1(6) *Site analysis.*

a. Site evaluation. The administrative authority shall conduct a site evaluation prior to the issuance of a construction permit. Consideration shall be given but not be limited to the impact of the following:

- (1) Topography, including but not limited to drainage ways, terraces, floodplains, and percent of land slope;
- (2) The location of property lines, easements, buried utilities, existing and proposed tile lines, and existing, proposed, and abandoned water wells;
- (3) The amount of available area for installation of the system;
- (4) Evidence of unstable ground; and
- (5) Alteration (cutting, filling, compacting) of existing soil profiles.

b. Soil characteristics and permeability. The soil characteristics and permeability of a specific site shall be determined by performing a percolation test or a soil analysis. The administrative authority shall determine who is a trained and qualified soil professional and who may conduct percolation tests. All percolation tests shall be conducted in accordance with Appendix B of this chapter.

c. Final inspections. The administrative authority shall conduct an at-location inspection of all newly constructed PSDSs before the system is backfilled. A final as-built drawing shall be made as part of the final inspection and kept on file with the construction permit.

d. Onsite wastewater tracking system. All pertinent information, including but not limited to the site address, owner, type, date of installation, percolation test or soil analysis, and as-built drawing of the PSDS shall be entered into the department's onsite wastewater tracking system, available on the department's website at www.iowadnr.gov, after a final inspection is conducted.

69.1(7) *Separation distances (SDs).* All PSDSs shall be located in accordance with the minimum SDs in Table I in 567—paragraph 60.2(2) “c.”

69.1(8) *Discharge restrictions.* It is prohibited to discharge any wastewater from PSDSs (except as permitted in this chapter) to any ditch, stream, pond, lake, natural or artificial waterway, county drain tile, surface water drain tile, or land drain tile, to the groundwater, or to the surface of the ground. Under no conditions shall effluent from PSDSs be discharged to any abandoned well, agricultural drainage well, or sinkhole. Existing discharges to any of the above-listed locations or structures shall be eliminated by the construction of a system in compliance with this chapter.

a. Requirements when effluent is discharged into surface water. All discharges from PSDSs that are discharged into any designated waters of the state or subsurface drainage tile shall conform with the requirements of NPDES General Permit No. 4 (GP 4) issued by the department, as referenced in 567—Chapter 60. Prior to the use of any system discharging to designated waters of the state or a subsurface drainage tile, a Notice of Intent to be covered by GP 4 shall be submitted to the department. Systems covered by GP 4 must meet all applicable permit requirements, including effluent sampling and monitoring. No PSDS shall discharge to a state-owned natural or artificial lake, an outstanding Iowa water, or an outstanding national water as defined in 567—subrule 61.2(2).

b. Requirements when effluent is discharged above the ground surface. All discharges from PSDSs that are discharged to the surface of the ground and require a maintenance contract shall be installed, operated, and maintained by a manufacturer-certified technician in accordance with the manufacturer's instructions and the requirements of the administrative authority.

c. Requirements when effluent is discharged into the soil. No septage or wastewater shall be discharged into the soil except in compliance with this chapter.

69.1(9) *Maximum flow rates.*

a. Residential wastewater design flow rates are based on 150 gallons per bedroom per day. Wastewater design flow rates for nonresidential domestic waste applications serving the equivalent of fewer than 16 individuals on a continuing basis are detailed in Appendix A of this chapter.

b. Wastewater design flow rates for a nonresidential use that are not listed in Appendix A may be determined by a professional engineer licensed in the state of Iowa prior to issuance of a construction permit by an administrative authority. The administrative authority may require a system to be designed using the nonresidential flows listed in Appendix A.

69.1(10) *Flow equalization.* Flow equalization may be used at the discretion of a professional engineer licensed in the state of Iowa. The determination to use flow equalization shall be made prior to issuance of a construction permit by an administrative authority. If used, flow equalization shall meet all of the following criteria:

a. The design flow of the secondary treatment unit receiving the equalized flow cannot exceed 1,500 gallons per day.

b. Equalized flow to the secondary treatment unit shall be mechanically time dosed.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.2(455B) General design standards.

69.2(1) *Building sewers.*

a. Location and construction. Building sewers shall be constructed in accordance with the SDs in Table I in 567—paragraph 60.2(2)“c.” The distances shall be considered minimum distances and shall be increased where possible to provide better protection.

b. Type. Building sewers used to conduct wastewater from a building to the primary treatment unit of a PSDS shall be constructed of:

(1) SCH 40 PVC pipe (SDR 26 or stronger) with solvent-weld or bell-and-gasket-type joints approved for use for below grade applications or for the wastewater industry; or

(2) Cast iron with integral bell-and-gasket-type joints.

c. Size. Building sewers shall not be less than four inches in diameter.

d. Grade. Building sewers shall be laid to the following minimum grades:

4-inch sewer 12 inches per 100 feet

6-inch sewer 8 inches per 100 feet

69.2(2) *Cleanouts.*

a. Spacing. A cleanout shall be provided where the building sewer leaves the structure and at least every 100 feet.

b. Change of direction or grade. An accessible cleanout shall be provided at each change of direction or grade if the change exceeds 45 degrees prior to primary treatment.

69.2(3) *Grease interceptors.*

a. Applicability. Grease interceptors shall be provided for kitchen flows at restaurants, nursing homes, schools, hospitals, and any other facilities from which grease can be expected to be discharged.

b. Installation. Grease interceptors shall be installed on separate building sewers serving kitchen flows into which the grease will be discharged. A discharge from a grease interceptor must flow to either a properly designed septic tank or to a building sewer and then to the primary treatment unit.

69.2(4) *Impervious vault toilets.*

a. Location. Impervious vault toilets shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2)“c” for the closed portion of a treatment system.

b. Construction. The vault shall be constructed of reinforced, impervious concrete at least four inches thick. The superstructure, including floor slab, seat, seat cover, riser, and building, shall comply with good design and construction practices to provide permanent, safe, and sanitary facilities. The vault shall be provided with a cleanout opening fitted with a fly-tight cover.

c. Wastewater disposal. Wastewater from impervious vault toilets shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(5) Portable toilets.

a. Design. All portable toilets shall be designed to receive and retain the wastes deposited in them and shall be located and maintained in a manner that will prevent the creation of any nuisance condition.

b. Wastewater disposal system. Wastewater from portable toilets shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(6) Holding tanks for waste.

a. General. Holding tanks may only be used when site characteristics or restrictions do not allow for the installation of a system that consists of both primary and secondary treatment or when the use will be seasonal or sporadic.

b. Capacity. The minimum liquid-holding capacity shall be 1,250 gallons.

c. Pumping frequency. Holding tanks shall be pumped as necessary to prevent overflows, leaks, or releases of waste.

d. Recordkeeping. Holding tank owners shall keep all pumping records for three years. Records shall be made available to the administrative authority upon request.

e. Construction. Holding tanks shall be constructed and installed using the materials and processes allowed for septic tanks in 69.3(6) and 69.3(8). All holding tanks shall be equipped with a high-water alarm.

f. Wastewater disposal. Wastewater from holding tanks shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(7) Location. No PSDS shall be located upon property under ownership different from the ownership of that property or lot upon which the wastewater originates unless easements to that effect are legally recorded and approved by the proper administrative authority.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.3(455B) Primary treatment unit.

69.3(1) General. Every PSDS shall have, as a primary treatment unit, a septic tank as described in this rule.

a. All wastewater from a facility shall discharge into a septic tank, and all septic tank effluent shall discharge into a secondary treatment system in compliance with this chapter.

b. Septic tanks shall not be used for the disposal of chemical wastes or grease in quantities that might be detrimental to the bacterial action in the tank, or for the disposal of drainage from roof drains, foundation drains, or area drains.

69.3(2) Capacity.

a. The minimum liquid-holding capacity for septic tanks is specified in Table I (capacity may be obtained by using one or more tanks):

Table I - Septic Tank Holding Capacity

Home Size	Septic Tank Minimum Liquid Holding Capacity in gallons
Up to and including 3-bedroom homes	1,250 gal.
4-bedroom homes	1,500 gal.
5-bedroom homes	1,750 gal.
6-bedroom homes	2,000 gal.
Each additional bedroom	+ 250 gal.

b. Approval of septic tank capacity and design must be obtained from the administrative authority, if an installation serves a facility other than a dwelling and serves the equivalent of fewer than 16 individuals on a continuing basis. Minimum septic tank liquid-holding capacity shall either be 1,250 gallons or two times the daily sewage flow as estimated from Appendix A, whichever is greater.

c. The minimum liquid-holding depth in any tank compartment shall be 40 inches. The maximum liquid-holding depth for calculating capacity of a tank shall not exceed 6½ feet.

d. The interior length of a septic tank should not be less than five feet and shall be at least 1½ times the width (larger length-to-width ratios are preferred). No tank or compartment shall have an inside width of less than two feet. The minimum inside diameter of a vertical cylindrical septic tank shall be five feet.

69.3(3) Compartmentalization. Every septic tank shall be divided into two compartments as follows. Compartmentalization may be obtained by using more than one tank.

a. The influent compartment capacity shall not be less than ½ or more than ⅔ of the total tank capacity.

b. The effluent compartment capacity shall not be less than ⅓ or more than ½ of the total tank capacity.

c. The invert of the inlet pipe shall be a minimum of two inches and a maximum of four inches higher than the invert of the outlet pipe.

69.3(4) Baffles.

a. Four-inch diameter SCH 40 PVC pipe tees shall be used as inlet and outlet baffles.

b. Inlet tees shall extend at least six inches above and eight inches below the liquid level of the tank. The inlet tee shall extend below the liquid level for no more than 30 percent of the liquid depth.

c. The outlet tee shall extend above the liquid level a distance of at least six inches and below the liquid level a distance of at least 15 inches, but no more than 40 percent of the liquid depth.

d. A minimum one-inch clearance between the top of the inlet and outlet tees and the bottom of the tank lid shall be provided. A horizontal separation of at least 36 inches shall be provided between the inlet baffle and the outlet baffle in each compartment.

e. Outlet baffles shall be fitted with, or replaced by, an approved effluent screen. All effluent screens shall be certified by a third-party certifier accredited by ANSI to meet NSF/ANSI Standard 46-2022, September 5, 2022, available on the NSF website at: www.nsf.org; or other equivalent testing as determined by the department. Effluent screens require periodic inspection and cleaning to ensure their continued proper operation.

f. A horizontal slot four inches by six inches, or two suitably spaced four- to five-inch diameter holes in the tank partition, may be used instead of a tee or baffle. The top of the slot or holes shall be located below the water level within the middle third of the liquid depth. A ventilation hole or slot, located at least eight inches above the liquid level, shall be provided in the partition.

69.3(5) Access.

a. Access necessary for adequate inspection, operation, and maintenance must be provided to all parts of septic tanks.

b. Access openings shall be provided for each chamber, including the inlet, outlet, and pump chamber (if applicable). Openings shall be at least 18 inches in the smallest dimension and of adequate size to allow for pumping, maintenance, and visual inspection.

c. Watertight risers with a minimum diameter of 18 inches shall be installed to bring the access openings to the ground surface. To deter tampering, risers shall be secured using either stainless steel fasteners of sufficient complexity, locking devices, concrete lids of sufficient weight, or another device approved by the administrative authority.

69.3(6) Installation.

a. Concrete, fiberglass, or plastic tanks shall be bedded and installed according to the manufacturer's specifications. Provisions should be made to prevent flotation of the tanks when they are empty.

b. Any septic tank placed in fill soil shall be placed upon a level base that is stabilized through compaction or other manufacturer allowed practices.

69.3(7) Connecting pipes.

a. Pipes connecting septic tanks installed in series and prior to the distribution box or distribution network or device shall be a minimum of four-inch diameter SCH 40 PVC (SDR 26 or stronger).

b. All inlet and outlet connections shall be made by self-sealing gaskets either cast into the concrete or formed into the plastic or fiberglass approved for below grade applications or for use in the wastewater industry.

c. All joints in connecting pipe shall be approved connections that match the rating of the pipe, such as solvent-welded or compression-type gaskets approved for below grade applications or use.

d. Pipes shall be used to extend across excavations or unstable ground to at least two feet beyond the point where the original ground has not been disturbed during septic tank installation. If the excavation spanned is more than two feet wide, it must be filled with sand or compacted fill to provide a firm bed for the pipe. The first 12 inches of backfill over the pipe shall be applied in thin layers, using material free from stones, boulders, large frozen chunks of earth, or any similar material that could damage or break the pipe.

69.3(8) Construction.

a. Septic tanks shall be constructed of either watertight poured concrete, fiberglass, or plastic resistant to corrosion or decay and shall be designed so that the tanks, whether full or empty, will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures. Metal tanks are prohibited.

b. Tanks shall be watertight. Before approving a tank, the administrative authority may ask for proof that a tank is watertight.

c. Tank divider walls and divider wall supports shall be constructed of either heavy, durable plastic, fiberglass, concrete, or other similar corrosion-resistant materials approved by the administrative authority.

d. Inlet and outlet ports of pipes shall be constructed of SCH 40 PVC sanitary tees or other similar approved corrosion-resistant material.

e. Concrete used in precast septic tank construction shall have a maximum water-to-cement ratio of 0.45. Cement content shall be at least 650 pounds per cubic yard. Minimum compressive strength (f'_c) shall be 4,000 psi (28 megapascals) at 28 days of age. The use of Type II cement, as specified in ASTM C150/C150M-24, July 25, 2024, or the addition of either silica fume or Class F fly ash is recommended.

f. Minimum wall thickness for septic tanks shall conform to the current International Association of Plumbing and Mechanical Officials (IAPMO) standards, available on its website at: www.iapmo.org/publications/read-uniform-codes-online, or to the following specifications:

Poured concrete	6 inches thick
Poured concrete, reinforced	4 inches thick
Special concrete mix, vibrated and reinforced	2.5 inches thick
Fiberglass or plastic	IAPMO standard

g. Septic tank bottoms shall conform to the specifications in 69.3(8)“*f*” for septic tank walls, except that special mix concrete shall be at least three inches thick.

h. Concrete or masonry septic tank tops shall be a minimum of four inches in thickness and reinforced with $\frac{3}{8}$ -inch reinforcing rods in a six-inch grid or equivalent. Fiberglass or plastic tank tops shall meet the IAPMO standard.

i. The concrete cover for reinforcing bars, mats, or fabric shall not be less than one inch.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.4(455B) Effluent distribution.

69.4(1) Pump systems. Dosing through mechanical pumping is the recommended method of effluent distribution and is preferred to improve distribution, improve treatment, and extend system life. In the event that effluent from a septic tank outlet cannot be discharged by gravity while maintaining the proper lateral depths, the effluent may be discharged into a watertight pump pit or tank with an inside diameter of not less than 24 inches, equipped with a tight-fitting cover at grade level. Pumps shall be of a submersible type of corrosion-resistant material.

a. Inlet. Pump inlets shall be elevated at least four inches above the bottom of the pump pit or tank to prevent the pump from drawing excessive settled solids.

b. Electrical. Electrical installations shall comply with all applicable state and local codes and ordinances. Electrical connections shall be located in an exterior weatherproof box. On-site electrical connections shall not be located in the pump pit or tank, unless a manufactured connection or an electrical connection rated for use inside a pump pit or tank is provided.

c. Pump setting. Pumps shall be installed in the pump pit or tank in a manner that ensures ease of service and protection from frost and settled sludge. Pumps shall be set to provide a dosing frequency of approximately four times a day based on the maximum design flow.

d. Pipe. Distribution pipe used in pressure-dosed systems shall be rated for pressure use and be a minimum SCH 40 PVC pipe (SDR 26 or stronger).

e. Pressure line size. The diameter of the pressure line from the pump to the point of discharge shall not be smaller than the outlet of the pump it serves.

f. Drainage. Pressure lines shall either be installed to provide total drainage between dosing to prevent freezing or shall be buried below frost level up to the distribution point.

g. High water alarm. Pump pits or tanks shall be equipped with a sensor set to detect if the water level rises above the design high water level if the pump fails. This sensor shall activate an auditory or visual alarm to alert the building occupants.

h. Discharge point. The effluent may either be discharged under pressure into a distribution box or distributed by small-diameter pipes throughout the entire absorption system.

i. Filtered pump vaults. Filtered pump vaults, when used, require periodic inspection and cleaning to ensure their continued proper operation.

69.4(2) Gravity distribution. Septic tank effluent may be serially loaded to soil absorption trenches by drop boxes or overflow piping (rigid sewer pipe). Otherwise, effluent shall be distributed evenly to all trenches by use of either a distribution box or a commercial distribution regulator approved by the administrative authority.

a. General design and use. Gravity distribution boxes shall:

(1) Be installed with separate watertight headers leading from the distribution box to each lateral.

(2) Be constructed of corrosion-resistant rigid plastic materials. Header pipes shall be rigid SCH 40 PVC pipe (SDR 26 or stronger) meeting ASTM 2729-21, November 30, 2021, or equivalent.

b. Equal length. Soil absorptions trenches served by a gravity distribution box shall be of equal length. Soil absorptions trenches served by drop boxes may vary in length.

c. Baffles. There shall be a pipe tee at the inlet to break the water flow.

d. Outlets.

(1) A distribution box shall have outlets at the same level, at least four inches above the bottom of the box, to provide a minimum of four inches of water retention in the box.

(2) All distribution box outlets shall be made level. A four-inch cap with an offset hole approximately 2½ inches in diameter shall be installed on each outlet pipe. The caps shall be rotated until all outlets discharge at the same elevation. Equivalent leveling devices may be approved by the administrative authority.

(3) All unused outlet holes in the box shall be securely closed.

69.4(3) Other distribution devices. For all other effluent distribution devices, the manufacturer's specifications shall be adhered to for installation, cleaning, and maintenance.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.5(455B) Secondary treatment—soil absorption systems. When a PSDS uses secondary treatment prior to the discharge, land application, or other disposal of effluent, it shall comply with all applicable provisions of this rule or 567—69.6(455B).

69.5(1) Provisions. The following provisions apply to all soil absorption systems. Soil absorption systems are the best available treatment technology and shall always be used where possible.

a. Prohibited drainage.

- (1) Nothing shall enter a soil absorption system that does not first pass through a septic tank.
- (2) Roof, foundation, area, and storm drains shall not discharge into or upon a soil absorption system.

b. Prohibited construction. There shall be no construction of any kind, including driveways, covering the septic tank, distribution box, or absorption field of a soil absorption system. Vehicle access should be infrequent, primarily limited to vegetation maintenance.

c. Soil evaluation. Either a percolation test or a professional soil analysis, including a confining layer determination, is required before any soil absorption system is installed.

(1) Percolation test. If a percolation test is performed, it shall comply with the procedure in Appendix B of this chapter.

(2) Professional soil analysis. If a professional soil analysis is performed, soil characteristics including but not limited to soil content, color, texture, and structure shall be used to determine the confining layer and the soil loading rate.

(3) Acceptable percolation rate. An area is deemed suitable if:

1. For conventional systems, soil absorption bed systems, and at-grade systems, the average percolation rate is less than 60 minutes per inch and greater than one minute per inch.

2. For mound systems, an average percolation rate of less than 120 minutes per inch is achieved.

(4) Confining layer determination. At least one additional test hole six feet in depth, or to water or rock, whichever occurs first, shall be provided in the center of the proposed absorption area to determine the location of any confining layer. This six-foot test hole shall be drilled prior to determining the percolation test hole depths and may be augered the same size as the percolation test holes or may be made with a soil probe.

d. Groundwater. If the seasonal high groundwater level is present within three feet of the trench bottom final grade and cannot be successfully lowered by subsurface tile drainage, the area shall be classified as unsuitable for a soil absorption system. The administrative authority shall be consulted to determine an acceptable alternative method of wastewater treatment.

e. Location.

(1) Soil absorption systems shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2)“c.”

(2) All soil absorption systems shall be located to maximize the vertical SD from the bottom of the absorption trench to the confining layer, but under no circumstances shall this vertical separation be less than three feet.

(3) In situations where specific location or site characteristics would appear to prohibit installation of a conventional soil absorption system, design modifications to overcome such limitations may be approved by the administrative authority. Such design modifications could include but are not limited to the installation of subsurface drainage; the use of shallow or at-grade systems or mound systems; or the use of pretreated effluent.

f. Driveway crossings. Connecting lines under driveways shall be constructed of SCH 40 PVC pipe (SDR 26 or stronger) or equivalent and shall be protected from freezing.

g. Loading rates and trench size.

(1) Percolation and soil loading tables. All soil absorption systems installed under this subrule shall comply with the following tables. Table IIa provides a correlation between percolation rates and soil loading rates. Table IIb provides soil loading rates based upon soil texture and structure. Table IIa and Table IIb shall be used to determine the appropriate soil loading rate. Table IIc specifies linear feet of lateral trenches required based upon the soil loading rate, wastewater flow rate, and trench width.

Table IIa

**Maximum Soil Application Rates Based Upon Percolation
Rates - Monthly Averages in gal/ft²/day**

Percolation Rate (minutes per inch)	Septic Tank Effluent ^{1,2} CBOD ₅ 25 mg/L - 215 mg/L; TSS 30 mg/L - 150 mg/L	Pretreated Effluent CBOD ₅ ≤ 25 mg/L; TSS ≤ 30 mg/L
0 to 5	1.2	1.6
Fine sands	0.5	0.9
6 to 10	0.8 – 0.6	1.2
11 to 29	0.6 – 0.5	0.9
30 to 45	0.5 – 0.4	0.7
46 to 60	0.4 – 0.2	0.5
61 to 120	0.0	0.3
Greater than 120	0.0	0.0

¹Typical waste strengths for domestic waste. Pretreatment should be considered for waste of higher strength.

²Percolation rates and soil loading rates do not precisely correlate; therefore, a range is provided.

Table IIb
Maximum Soil Loading Rates Based Upon Soil Evaluations
in gal/ft²/day for Septic Tank Effluent

Soil Texture	Single Grain	Massive	Structure - Granular, Blocky, or Prismatic			Platy	
			Weak	Moderate	Strong	Weak	Moderate to Strong
Coarse sand and gravel	1.2 (1.6)	X	1.2 (1.6)	X	X	1.2 (1.6)	X
Medium sands	0.7 (1.4)	X	0.7 (1.4)	X	X	0.7 (1.4)	X
Fine sands	0.5 (0.9)	X	0.5 (0.9)	X	X	0.5 (0.9)	X
Very fine sands ¹	0.3 (0.5)	X	0.3 (0.5)	X	X	0.3 (0.5)	X
Sandy loam	X	0.3 (0.5)	0.45 (0.7)	0.6 (1.1)	0.65 (1.2)	0.4 (0.6)	0.3 (0.5)
Loam	X	0.4 (0.6)	0.45 (0.7)	0.5 (0.8)	0.55 (0.8)	0.4 (0.6)	0.3 (0.5)
Silty loam	X	NS	0.4 (0.6)	0.5 (0.8)	0.5 (0.8)	0.3 (0.5)	0.2 (0.3)
Clay loam	X	NS	0.2 (0.3)	0.45 (0.7)	0.45 (0.7)	0.1 (0.2)	0.1 (0.2)
Silty clay loam	X	NS	0.2 (0.3)	0.45 (0.7)	0.45 (0.7)	NS	NS

Notes: Values in () are for pretreated effluent. "X" means not found in nature. "NS" means not suitable for soil absorption.

¹ Flow rates are difficult to determine for some very fine sands; experience may provide better information and flow rates.

Table IIc
Minimum Length of Absorption Trenches in Lineal Feet
by Width of Trench and Soil Loading Rate

Soil loading rate gal/ft ²		Width of Trench and Soil Loading Rate									
		Two bedroom, 300 gpd ¹		Three bedroom, 450 gpd ¹		Four bedroom, 600 gpd ¹		Five bedroom, 750 gpd ¹		Six bedroom, 900 gpd ¹	
0.1		Width of trench in feet									
	2'	3'	2'	3'	2'	3'	2'	3'	2'	3'	
	Not suitable for soil absorption trenches										

0.2	750	500	1125 ²	750	1500 ²	1000 ²	1875 ²	1250 ²	2250 ²	1500 ²
0.3	500	333	750	500	1000 ²	666	1250 ²	833 ²	1500 ²	1000 ²
0.4	375	250	562	375	750	500	938 ²	625	1125 ²	750
0.5	300	200	450	300	600	400	750	500	900 ²	600
0.6	250	167	375	250	500	333	625	417	750	500
0.7	214	143	321	214	428	286	536	357	643	429
0.8	188	125	281	188	375	250	469	312	562	375
0.9	167	111	250	167	333	222	417	278	500	333
1.0	150	100	225	150	300	200	375	250	450	300
1.1	136	91	205	136	273	182	341	227	409	273
1.2	125	84	188	125	250	167	313	208	375	250

¹gpd - gallons per day. Design flow rates are based on 150 gallons per bedroom per day.

²Requires pressure distribution (pump).

(2) Unsuitable absorption. Conventional soil absorption trenches and at-grade systems shall not be installed in soils that have a percolation rate less than 1 minute per inch or greater than 60 minutes per inch.

h. Construction details for all soil absorption trenches.

(1) Depth. A trench bottom depth of 18 to 24 inches is recommended. Soil absorption trenches shall not exceed 36 inches in depth. Not less than six inches of porous soil shall be provided over the laterals. The minimum separation between the trench bottom and any confining layer shall be 36 inches.

(2) Length. No soil absorption trench shall be greater than 100 feet long unless the administrative authority approves the use of a drop box.

(3) Trench SD. At least six feet of undisturbed soil shall be left between each trench edge on level sites. Two feet of SD should be added for each five percent increase in slope from level.

(4) Grade. The trench bottom should be constructed level from end to end. On sloping ground, the trench shall follow a uniform land contour to maintain a minimum soil cover of six inches and a level trench bottom.

(5) Compaction. There shall be minimum use of, or traffic of heavy equipment on, the area proposed for soil absorption. In addition, heavy equipment shall not be used on the trench bottoms in the absorption area.

(6) Soils. Soil absorption systems shall not be installed in fill soil. Disturbed soils that have stabilized for at least one year shall require a recent percolation test or professional soil analysis.

(7) Soil smearing.

1. Soils with significant clay content should not be worked when wet.

2. If soil moisture causes trench bottom or sidewall smearing, the installation should be discontinued until conditions improve.

69.5(2) Gravel aggregate systems. The following provisions apply to gravel aggregate systems.

a. Gravel.

(1) A minimum of six inches of clean, washed river gravel, free of clay and clay coatings, shall be laid below the distribution pipe, and enough gravel shall be used to cover the pipe.

(2) This gravel shall be of such a size that 100 percent of the gravel will pass a 2½-inch screen and 100 percent will be retained on a ¾-inch screen.

(3) Limestone or crushed rock is not recommended for soil absorption systems; however, if used, it shall meet the following criteria:

1. The percent wear, as determined in accordance with the American Association of State Highway and Transportation Officials (AAHSTO) T 96, Grading C, 2022, available on the AAHSTO website at store.transportation.org, shall not exceed 40 percent.

2. When gravel is subjected to the freezing and thawing test, Iowa DOT Materials Laboratory Test Method 211, Method A, April 15, 2025, available at erl.iowadot.gov, the percentage loss shall not exceed 10 percent.

3. The percent absorption, determined in accordance with Iowa DOT Materials Laboratory Test Method 202, April 15, 2025, available at erl.iowadot.gov, shall not exceed three percent.

b. Trench width. Soil absorption trenches for gravel systems shall have a minimum width of 24 inches and a maximum width of 36 inches at the bottom of the trench.

c. Grade. The distribution pipes shall be laid with a minimum grade of two inches per 100 feet of run and a maximum grade of six inches per 100 feet of run, with a preference given to the lesser slope.

d. Pipe.

(1) Distribution pipe used in gravity-based distribution type systems shall be PVC rigid plastic meeting ASTM 2729.

(2) The inside diameter shall be not less than four inches, with perforations at least $\frac{1}{2}$ inch and no more than $\frac{3}{4}$ inch in diameter, spaced no more than 40 inches apart.

(3) Two rows of perforations shall be provided; located 120 degrees apart along the bottom half of the tubing and each 60 degrees up from the bottom centerline.

(4) The end of the pipe in each trench shall be sealed with a watertight cap unless, on a level site, a footer is installed connecting the trenches together.

(5) Coiled perforated plastic pipe shall not be used.

e. Gravel cover. Synthetic drainage fabric or other material approved by the manufacturer or administrative authority shall be laid so as to separate the gravel from the soil backfill.

69.5(3) Chamber systems. The following provisions apply to chamber systems.

a. Use. Chamber systems may be used as an alternative to gravel aggregate systems.

b. Installation. The manufacturer's specifications and installation procedures shall be adhered to.

c. Trench length. The total length of soil absorption trench for chambers 22 inches wide shall be the same as specified in Table IIc for a two-foot-wide conventional soil absorption trench. Chambers 33 inches wide or greater shall be sized as specified in Table IIc for a three-foot-wide conventional soil absorption trench.

d. Sidewall. The chambers shall have at least six inches of sidewall effluent soil exposure height.

69.5(4) EPS aggregate systems. The following provisions apply to EPS aggregate systems.

a. Use. EPS aggregate systems may be used as an alternative to gravel aggregate systems.

b. Installation. The manufacturer's specifications and installation procedures shall be adhered to.

c. Trench length. The total length of soil absorption trench using a 12-inch EPS aggregate bundle configuration less than 33 inches wide shall be the same as specified in Table IIc for a two-foot-wide conventional soil absorption trench. Twelve-inch EPS aggregate bundle configurations 33 inches wide or greater shall be sized as specified in Table IIc for a three-foot-wide conventional soil absorption trench.

d. EPS bundles. EPS bundles may be configured in a trench, bed, at-grade, or mound application to obtain the desired width, height, and length. EPS bundles containing a distribution pipe shall be connected end-to-end with an internal coupling device.

69.5(5) Mound systems. The following provisions apply to mound systems.

a. General design and use.

(1) Mound systems shall:

1. Only be permitted when a thorough site evaluation has been conducted and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

2. Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

3. Be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c” as measured from the outer edge of the sand in the mound.

(2) Mound systems shall not be utilized on:

1. Sites subject to flooding with a ten-year or greater frequency;
2. Soils where the high groundwater level, impermeable bedrock, or soil strata having a percolation rate exceeding 120 minutes per inch occurs within 12 inches of natural grade; or

3. Where creviced bedrock occurs within 20 inches of natural grade.

(3) No buildings, driveways, or other surface or subsurface obstructions shall be permitted within 50 feet on the downgradient side of the mound when the mound is constructed on a slope greater than five percent.

(4) No future construction shall be permitted in the effluent disposal area as long as the mound is in use.

b. Specifications and design standards. The specifications provided in these rules for mounds are minimal and may not be sufficient for all locations. Other design information beyond the scope of these rules may be necessary to properly design a mound system. Refer to Appendix C of this chapter for mound system construction design standards.

69.5(6) At-grade systems. The following provisions apply to at-grade systems.

a. General design and use.

(1) At-grade systems shall:

1. Only be permitted when a thorough site evaluation has been conducted and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

2. Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

3. Be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c” as measured from the outer edge of the distribution bed in the system.

(2) At-grade systems shall not be utilized on:

1. Sites subject to flooding with a ten-year or greater frequency, or

2. Soils where a confining layer occurs or soil strata having a percolation rate exceeding 60 minutes per inch occur within 36 inches of natural grade.

(3) No buildings, driveways, or other surface or subsurface obstructions shall be permitted within 25 feet on the downgradient side of an at-grade system when the system is constructed on a slope greater than five percent.

(4) No future construction shall be permitted in this effluent disposal area as long as the at-grade system is in use.

b. Specifications and design standards. The specifications provided in these rules for at-grade systems are minimal and may not be sufficient for all locations. Other design information beyond the scope of these rules may be necessary to properly design an at-grade system. Refer to Appendix D of this chapter for at-grade system construction design standards.

69.5(7) Soil absorption bed systems. The following provisions apply to soil absorption bed systems.

a. General design and use. Soil absorption bed systems shall:

(1) Only be permitted when a thorough site evaluation has been conducted, and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

(2) Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

(3) Be located in accordance with the SDs specified in Table I in 567—paragraph 60.2(2) “c.”

b. Specifications and design standards. Refer to Appendix E of this chapter for soil absorption bed system construction design standards.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.6(455B) Secondary treatment—other.

69.6(1) *Intermittent subsurface sand filters (ISSFs).* The following provisions apply to ISSFs.

a. General design and use.

(1) ISSFs may be used when the administrative authority determines the site is unacceptable for a soil absorption system.

(2) ISSFs shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c.”

(3) All ISSFs shall have a sample port or means of collecting a representative effluent sample.

(4) There shall be no construction, such as buildings or concrete driveways, covering any part of an ISSF.

(5) ISSFs may be constructed where the water table is below the bottom of the collector pipe. If the water table is verified to be higher than the bottom of the collector pipe, an ISSF may only be installed if either a liner is installed or subsurface drainage tile is used to lower the water table, in accordance with the following.

1. If needed, a plastic liner shall use a minimum of 30-millimeter plastic or product of equivalent thickness as determined by the administrative authority.

2. Where the water table is lowered by use of subsurface drainage tile, the minimum depth of the drainage tile shall be greater than or equal to the lowest portion of the sand filter bed.

b. Specifications and design standards. The specifications in these rules for ISSFs are minimal and may not be sufficient for all applications. Other design information beyond the scope of these rules may be necessary to properly design an ISSF. Refer to Appendix F of this chapter for ISSF construction design standards.

69.6(2) *Proprietary treatment systems (PTSs).* The following provisions apply to all PTSs.

a. General.

(1) A PTS may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an ISSF.

(2) PTS manufacturers shall submit to the department, by February 1 of each year, their current installation and maintenance manual, including the applicable third-party certification.

(3) For a PTS that utilizes replaceable media, a media disposal plan shall be included in the installation and maintenance manual. Used media from a PTS is considered “septage,” and septage shall be disposed of in accordance with 567—Chapter 68.

(4) PTSs shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c.”

b. Design, installation, and operation. A PTS shall be installed and operated in accordance with the manufacturer’s requirements. Additionally:

(1) A PTS other than an aerobic treatment unit shall be preceded by a septic tank with a minimum capacity in accordance with 69.3(2), or shall have an incorporated component that is, or performs the same function as, a septic tank. A pretank or chamber that is part of the design, that is intended to serve the same function as a septic tank, and that was approved by third-party certification shall satisfy this requirement.

(2) An aerobic treatment unit PTS that does not have an incorporated component that is, or performs the same function as, a septic tank as part of the approved design shall be preceded by a pretreatment tank with a minimum capacity of 500 gallons.

(3) A PTS that utilizes a soil absorption system to disperse the treated effluent shall comply with 567—69.5(455B).

(4) All PTSs shall have a sample port or means of collecting a representative effluent sample.

c. Monitoring and maintenance.

(1) Prior to installation, a contract for PTS monitoring and maintenance shall be established between the system owner and a manufacturer-certified technician. A maintenance contract is required for the life of the system. A copy of the maintenance contract shall be made available to the administrative authority. A PTS shall be inspected, monitored, and maintained in accordance with the manufacturer’s specifications and third-party certification, or at least once annually, whichever is more frequent.

(2) All PTS monitoring and maintenance shall be performed by a manufacturer-certified technician. PTS manufacturers shall ensure that an adequate number of certified technicians are available to service their PTSs at the specified intervals.

(3) Certified technicians shall report monitoring and maintenance results to the system owner and to the administrative authority. Certified technicians shall also report any discontinuance of PTS maintenance to the administrative authority.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.7(455B) Time of transfer (TOT) inspections.

69.7(1) *Inspection criteria.* Pursuant to Iowa Code section 455B.172(11), if a building where a person resides, congregates, or is employed is served by a PSDS, the PSDS shall be inspected prior to any transfer of ownership of the building.

a. Properly functioning system. If a PSDS is properly treating wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet the department's current construction standards. However, the discharge restrictions in 69.1(8) shall always apply.

b. Future demolition. Pursuant to Iowa Code section 455B.172(11) "a"(7), a TOT inspection and upgrade of a PSDS serving a building is not required when the buyer of a building served by a PSDS intends to demolish or raze the building, as long as the building is not occupied and is removed by the date agreed upon in the waiver for building demolition form, available from the department. For purposes of this paragraph, a building includes inhabitable residences, other inhabitable structures, or commercial buildings.

c. Future inspection. In the event that weather or other temporary physical conditions prevent an inspection from being conducted, the buyer shall execute a binding agreement for weather delayed inspection with the administrative authority, using a department form.

d. Future installation or renovation. In the following instances, a buyer may execute a binding agreement for future installation or renovation with the administrative authority, using a department form.

(1) If an inspection fails; or

(2) If all parties agree an existing PSDS will not pass inspection and a buyer wishes to forego an inspection.

e. Forms. The forms for a waiver for building demolition, binding agreement for weather delayed inspection, and binding agreement for future installation are available on the department's website at www.iowadnr.gov.

f. Failure or improper function. If a PSDS is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the PSDS shall be renovated to meet the department's current construction standards. A PSDS is failing to ensure effective wastewater treatment or is otherwise improperly functioning when one or more of the following conditions exist:

(1) The system's septic tank is constructed of metal; is not watertight; was not designed for use as a PSDS tank; or is damaged and cannot be repaired to the manufacturer's standards using a manufacturer-approved method;

(2) The system's primary treatment tank is less than 500 gallons;

(3) All fixtures on the property served by the PSDS that produce or transport domestic waste do not enter the PSDS;

(4) More than 50 percent of the system's soil absorption area does not accept water;

(5) There is evidence that the system is failing to effectively treat wastewater or is otherwise improperly functioning in a manner not detailed above; or

(6) The system is a dry well structure or seepage pit.

g. Exemptions. For purposes of this subrule, transfer does not include the situations listed in Iowa Code section 455B.172(11) "a"(1) through 455B.172(11) "a"(12).

69.7(2) *Certified TOT inspectors.* Inspections shall be conducted by an inspector certified by the department, in accordance with Iowa Code section 455B.172 and this rule. In order to be a certified TOT inspector, an individual shall have met the experience requirements, have successfully completed the inspection course and examination, and have been issued a TOT certification by the department.

a. Experience requirements. In order to be certified by taking the inspection course and examination only, an individual must have at least two years' experience in the operation, installation, inspection, design or maintenance of PSDSs. Individuals lacking this experience must complete additional coursework before attending the inspection course with examination. The additional courses shall include but not be limited to "Basics of Onsite" offered by the Onsite Wastewater Training Center of Iowa or equivalent courses as determined by the department.

b. Examination application form and evaluation.

(1) All applications to take the certified TOT inspector examination shall be filed using a department form, available on the department's website at www.iowadnr.gov.

(2) Examination applications shall be reviewed by the department and an application review decision will be sent to the applicant. The applicant shall have the right to dispute the application evaluation.

(3) An examination application approval shall be valid for examination purposes for one year from the date the application is approved by the department.

c. Certification. Applicants who successfully meet the requirements of this subrule will receive a TOT certification from the department. The department shall maintain a current listing of certified TOT inspectors on its website at www.iowadnr.gov.

(1) All certificates shall expire on June 30 of even-numbered years and must be renewed every two years.

(2) Renewal applications shall be submitted on a department form, available on the department's website at www.iowadnr.gov, and shall be submitted 60 days before the expiration date of the current certificate. Renewal certificates will only be granted to inspectors that meet the continuing education unit (CEU) requirements of 69.7(2)"d," that have paid the appropriate certification fee in 69.7(2)"e," and that conduct inspections in accordance with 69.7(3).

(3) Inspectors who have complied with the continuing education requirements may continue to request a renewal up to 45 days following expiration of their certificate. However, inspectors may not perform inspections until a renewal certificate has been issued by the department.

(4) Inspectors whose certification has expired must retake the inspector class and test to become recertified.

d. Continuing education units (CEUs). The following CEU requirements apply to TOT certification:

(1) A certified inspector must earn 1.2 CEUs or 12 contact hours during each two-year period. Newly certified inspectors (previously uncertified) who become certified after April 1 of a two-year period will not be required to earn CEUs until the next two-year period.

(2) CEUs must be earned during each two-year period from April 1 of the even-numbered year until March 31 of the next even-numbered year. CEUs earned between April 1 and the end of the 45-day grace period cannot be counted towards a certification that expires on June 30 of that year.

(3) All activities for which CEU credit will be granted must be approved by an accredited college, university, technical institute, or the department and shall be related to PSDSs. Any entity providing training eligible for CEU credit shall, upon request, provide the training at no cost to one department staff member for audit purposes and shall provide all course materials to the department upon request.

(4) It is the personal responsibility of a certified inspector to maintain a record of and notify the department of the CEUs earned during the two-year period. The CEUs earned during the period shall be shown on the renewal application.

e. Certification fees. The following nonrefundable fees apply:

(1) The examination application fee is \$50.

(2) The new inspector certification fee is \$300. This fee must be paid prior to the issuance of a certification. This fee shall be prorated to \$75 for each one-half year of a two-year period from a certification issuance date to June 30 of the next even-numbered year. Certifications obtained within the first half year period of the certification period shall be subject to the full certification fee of \$300. The department will inform the applicant of the prorated fee amount prior to certification.

(3) The certification renewal fee is \$300. This fee must accompany a renewal application in order for a certificate to be renewed.

f. Certified inspector obligations. Certified inspectors shall conduct TOT inspections in accordance with this subrule.

69.7(3) *Inspection procedures.* TOT inspections shall be conducted as follows:

a. Inspection report.

(1) A TOT inspection shall be conducted using a department form, available on the department's website at www.iowadnr.gov.

(2) Upon completion of an inspection, all information, inspection data, and all attachments shall be provided as follows: to the department for review; to the county environmental health department for review and enforcement of any follow-up mandatory improvements to the system; and to the person ordering the inspection within ten business days from the inspection date.

(3) Submittal of a complete inspection form and all attachments in the online TOT database, available on the department's website at www.iowadnr.gov, shall be deemed compliant with this requirement.

b. Record search.

(1) Prior to an inspection, a certified inspector shall contact the administrative authority to obtain any permits, as-built drawings, or other available information concerning the system being inspected. Information may also be obtained from service providers or the homeowner.

(2) The inspector shall:

1. Verify an existing as-built drawing, or
2. If no as-built drawing is available, develop an as-built drawing as part of the inspection.

c. Septic tanks, vault toilets, and holding tanks. At the time of inspection, any existing tank(s) shall be opened and have the contents properly disposed of, and the condition of the tank and its components shall be documented and included in the final inspection report. Alternatively, the owner may provide evidence of proper tank pumping by a licensed commercial septic tank cleaner within three years prior to the inspection, so long as such evidence includes documentation of the size and condition of the tank and its components at the time of pumping.

d. Pumps and pump chambers. Pump chambers or vaults shall be opened for inspection. The pump and all alarms and controls shall be tested to ensure proper operation.

e. Secondary treatment. Proof that a secondary treatment system (if any) is in place shall be provided. This proof includes but is not limited to performing and documenting the following actions during the inspection:

- (1) Opening and inspecting all distribution box(es) or drop box(es);
- (2) Locating and uncovering the header pipe of a soil absorption system, if the pipe location and status is unknown;
- (3) Locating the vents and discharge pipe of a sand filter and probing the treatment area. A gravity sand filter with a distribution box shall have the box opened and inspected;
- (4) Locating, opening the lids, and inspecting the components of any PTS according to the manufacturer's recommendations, and documenting the product model and serial numbers of the PTS;
- (5) Probing any soil-based treatment systems to determine their condition; and
- (6) A hydraulic loading test.

f. Discharging systems. During an inspection, a representative sample of effluent shall be collected for CBOD₅ and TSS from all PSDSs, with the exception of soil absorption systems, and the test results shall be included in the inspection report. The effluent quality shall meet the requirements

of NPDES General Permit No. 4 for CBOD₅ and TSS. A certified inspector shall report the discharge location(s) for all discharging PSDSs.

g. Other systems and system components. Any PSDS or component not mentioned above shall be inspected for compliance with these rules and for proper function. Examples of components include but are not limited to effluent screens, tertiary treatment systems, disinfection devices, alarms, control boxes, and timers.

69.7(4) *Certified TOT inspector disciplinary action.*

a. Reasons for disciplinary action. Disciplinary action may be taken against a certified TOT inspector on any of the grounds specified in Iowa Code section 455B.219 or the following more specific grounds:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified inspector.

(2) Failure to submit required inspection records or other reports required under applicable permits or department rules, including failure to submit complete records or reports.

(3) Knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or department rule.

b. Disciplinary sanctions. Disciplinary sanctions may include the following:

(1) Permanent revocation without chance of recertification or for a specified period of time.

(2) Revocation or suspension of the practice of a particular aspect of a PSDS inspection.

(3) Probation under specified conditions relevant to the specific grounds for disciplinary action.

(4) Additional education, training, or reexamination may be required as a condition of reinstatement.

(5) Civil penalties not to exceed \$1,000 may be assessed for causes identified in 69.7(4) “a” through the issuance of an administrative order.

c. Procedure.

(1) Department staff shall initiate a disciplinary action by conducting a lawful investigation to establish a legal and factual basis for action. The department shall provide written notice to a certified inspector when considering disciplinary actions. The notice shall provide the certified inspector 20 days to state their position and present relevant facts.

(2) If an agreement as to appropriate disciplinary action, if any, can be reached between the department and the certified inspector, a written stipulation and settlement shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts established by the certified inspector, and the reasons for the particular sanction imposed.

(3) If an agreement as to appropriate disciplinary action cannot be reached, the department may initiate formal disciplinary procedures in a letter, sent by certified mail, that imposes disciplinary sanctions deemed appropriate by the department.

(4) A certified inspector may appeal any disciplinary sanction imposed by the department by filing a notice of appeal with the director within 30 days of receipt of a disciplinary sanction letter. If an appeal is filed, the department shall initiate contested case proceedings in accordance with 567—Chapter 7 and Iowa Code chapter 17A.

(5) Upon certificate revocation, application for certification may be allowed two years from the revocation date unless otherwise specified in accordance with 69.7(4) “b.” Any such applicant must meet all eligibility requirements in 69.7(2), successfully complete an examination, and be certified in the same manner as a new applicant.

69.7(5) *Procedures for noncompliance with child support order.* Upon receipt of a certification of noncompliance with a child support obligation as provided in Iowa Code section 252J.7, the department will initiate procedures to deny an application for inspector certification or renewal, or to suspend a certification in accordance with Iowa Code section 252J.8(4). The department shall issue to the person by certified mail a notice of its intent to deny or suspend inspector certification based on receipt of a certificate of noncompliance. The suspension or denial shall be effective 30 days after

receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code section 252J.8(4) “c.” Pursuant to Iowa Code section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code section 252J.9.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.8(455B) Waivers. Waivers to these rules may be granted by the department or the administrative authority provided sufficient information is submitted, prior to construction, to substantiate the need for and propriety of such action. Applications for waivers and justification shall be in writing and filed with the department in accordance with 561—Chapter 10.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

These rules are intended to implement Iowa Code chapter 455B, subchapter III, part 1, and Iowa Code chapter 252J.

Appendix A - Estimates of Nonresidential Domestic Sewage Design Flow Rates

Source of use for sewage unit	Units	Gallons per day per unit
Dwelling Units		
Hotels or luxury motels or	Per guest	60
	Add per employee	13
	Per ft ²	0.3
Discount motels or	Per guest	40
	Add per employee	13
	Per ft ²	0.46
Rooming house	Per resident	50
	Add per nonresident meal	4.0
Commercial/Industrial		
Retail stores or or	Per ft ² of sales area	0.13
	Per customer	3.8
	Plus each employee	15
	Per toilet room	590
Offices or	Per employee	18
	Per ft ²	0.25
Medical offices	Per ft ²	1.6
Industrial buildings	Per employee	20
Construction camp	Per employee	20
Visitor center	Per visitor	13
Laundromat or or	Per machine	690
	Per load	50
	Per ft ²	2.6
Barber shops	Per chair	68
Beauty shops	Per station	285
Car washes	Per inside ft ²	10
Shopping Center or or	Per employee	11.5
	Per ft ²	0.15
	Per parking space	2.5
Flea Market or	Per vendor space, without food	15
	Per vendor space, with food	50
Eating and Drinking Establishments		
Restaurant, not including bar or lounge or	Per meal, without alcoholic drinks	3.5
	Per meal, with alcoholic drinks	8
	Per seat	40
	Add per employee	13
Restaurant (carry out, including caterers)	Per ft ²	0.5
Dining hall	Per meal	4.0
Coffee shop	Per customer	2.5
	Add per employee	13
Cafeteria	Per customer	2.5
	Add per employee	13

Source of use for sewage unit	Units	Gallons per day per unit
Drive-in	Per car stall	30
Bar or lounge or	Per customer	4.5
	Add per employee	16
	Per seat	36
Entertainment Establishments		
Country clubs or or	Per member, no meals	22
	Per member, meals and showers	118
	Per member in residence	50
Lodge	Per person	74
Parks/swimming pools	Per guest	13
Picnic parks with toilet only	Per guest	10
Movie theaters	Per person	4.0
Drive-in theaters	Per space	5
Skating rink/dance hall	Per person	10
Bowling lanes	Per lane	185
Stadium	Per seat	5
Health club gym	Per member	35
Fairgrounds and similar gatherings	Per visitor	1.5
Resort retail store	Per person	4
Wedding or other event center	Per person	5.5
Transportation		
Airport, bus or rail depot or or	Per passenger	4
	Per ft ²	6.5
	Per public restroom	630
Auto service station or or	Per vehicle served	13
	Add per employee	16
	Per inside ft ²	0.6
	Per public restroom	630
Gas station convenience store	Per customer	3.5
Institutional		
Hospitals	Per medical bed	220
	Add per employee	16
Mental institution	Per bed	147
	Add per employee	16
Prison or jail	Per inmate	140
	Add per employee	16
Nursing home	Per resident	125
	Add per employee	16
School or or	Per student, no gym, cafeteria or showers	14
	Per student, cafeteria only	18
	Per student, cafeteria, gym and showers	27.5
Boarding school	Per student	95
Churches or	Per member	2
	Per member, with kitchen	5
Assembly hall	Per seat	4

Source of use for sewage unit	Units	Gallons per day per unit
Outdoor recreational and related lodging facilities		
Campground or or	Per campsite with sewer hookup	100
	Per campsite; without sewer hookup, with central toilet or shower facility	50
	Per campsite; without sewer hookup, with central toilet or shower facility served by central dump station	63
Day camp, no meals	Per person	16
Day camp, with meals	Per person	25
Overnight camp, with meals	Per person	45

Appendix B - Percolation Test Procedure

a. Prior to performing a percolation test, the confining layer shall be determined in accordance with 69.5(1)“b”(4).

b. At least three percolation test holes distributed evenly over the proposed lateral field are required.

c. Percolation test holes shall be 4 to 12 inches in diameter and to the same depth as the proposed absorption trenches (not to exceed 36 inches in depth).

d. Sides and bottoms of the test holes shall be scratched or roughened to provide a natural surface. All loose material shall be removed from each hole.

e. The bottoms of the test holes shall be covered with approximately two inches of rock to protect the bottom from scouring action when the water is added.

f. The hole shall be filled with at least 12 inches of clean water, and this depth shall be maintained for at least four hours; preferably overnight if clay soils are present. It is important that the soil be allowed to soak for long enough to swell if accurate results are to be obtained. Failure to perform the presoak when required will invalidate the percolation test results.

g. In sandy soils with little or no clay, soaking is not necessary. If, after the hole has been filled twice with 12 inches of water, the water seeps completely away in less than ten minutes, the test can proceed immediately.

h. Except for sandy soils, percolation rate measurements should be made at least 4 hours, but no more than 24 hours, after the soaking period began. Any soil that sloughed into the hole during the soaking period shall be removed, and the water level shall be adjusted to six inches above the gravel (or eight inches above the bottom of the hole). At no time during the test is the water level allowed to rise more than six inches above the gravel.

i. Immediately after adjustment, the water level shall be measured from a fixed reference point to the nearest $\frac{1}{8}$ inch at 30-minute intervals. The test is continued until two successive water level drops do not vary by more than $\frac{1}{8}$ inch. At least three measurements shall be made.

j. After each measurement, the water level shall be readjusted to the six-inch level. Use the last water level drop to calculate the percolation rate.

k. In sandy soils, or soils in which the first six inches of water added after the soaking period seep away in less than 30 minutes, water level measurements shall be made at ten minute intervals for a one hour period. Use the last water level drop to calculate the percolation rate.

l. The percolation rate shall be calculated for each test hole by dividing the time interval between measurements by the magnitude of the last water level drop. This calculation results in a percolation rate in terms of minutes per inch.

(1) To determine the percolation rate for the area, average the rates obtained from each hole.

(2) If tests in the area vary by more than 20 minutes per inch, variations in soil type are indicated. Under these circumstances, percolation rates should not be averaged.

(3) Example: If the last measured drop in water level after 30 minutes is $\frac{3}{8}$ inch, the percolation rate = (30 minutes)/($\frac{3}{8}$ inch) = 48 minutes/inch.

Appendix C - Mound System Construction Design Standards

Mound fill material.

a. A mound shall be constructed using clean, medium-textured sand (a.k.a. concrete sand). The sand size shall be such that:

- (1) At least 25 percent by weight shall have a diameter between 2.0 and 0.25 millimeter (mm);
- (2) Less than 35 percent by weight, a diameter between 0.25 and 0.05 mm; and
- (3) Less than 5 percent by weight, a diameter between 0.05 and 0.002 mm.

b. Rock fragments larger than 1/16 inch (2.0 mm) shall not exceed 15 percent by weight of the material used for mound fill.

Mound construction details.

a. There shall be a minimum of three feet of fill material and undisturbed naturally occurring soils between the bottom of the washed gravel and the highest elevation of the confining layer in accordance with 69.5(6)“a”(3)“2.”

b. Gravel shall meet the requirements specified in 69.5(2)“a.”

c. From one to two feet of medium-textured sand (depending upon the underlying soil depth, see “a” above) must be placed between the bottom of the gravel and the top of the plowed surface of the naturally occurring soil.

d. Mound system absorption beds shall be installed with the long dimension parallel to the land contour. Systems on steep slopes with slowly permeable soils should be narrow to reduce the possibility of toe seepage.

e. Minimum spacing between distribution pipes shall be four feet, and a minimum of three feet shall be maintained between any trench and the sidewall of the mound.

f. No soil under or up to 50 feet downgradient of the mound may be removed or disturbed except as specified herein.

g. Construction equipment that would cause undesirable compaction of the soil shall be kept off the base area. Construction or plowing shall not be initiated when the soil moisture content is high. If a sample of soil from approximately nine inches below the surface can be easily rolled into a 1/8- to 1/4-inch diameter wire 1½ inches long or more, the soil moisture content is too high for construction purposes.

h. Aboveground vegetation shall be closely cut and removed from the ground surface throughout the area to be utilized for the placement of the fill material.

i. The area shall be plowed to a depth of eight inches, parallel to the land contour, with the plow throwing the soil up slope to provide a proper interface between the fill and the natural soil. Tree stumps should be cut flush with the surface of the ground, and roots should not be pulled.

j. The base absorption area of the mound shall be calculated using the flow rate and the results of the percolation rate test or soil analysis as indicated in Table IIa or IIb of 69.5(1)“g”(1).

k. The area of the sand fill material shall be sufficient to extend at least three feet beyond the edge of the gravel area before the sides are shaped to at least a 3:1 slope.

Distribution system.

a. The distribution pipe for a mound system shall:

(1) Either be SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a one-inch nominal diameter, or an equivalent design that ensures proper distribution.

(2) Have either a single row of 1/4-inch perforations in a straight line 30 inches on center along the length of the pipe or an equivalent design that ensures uniform distribution. No perforations shall

be permitted within three inches of the outer ends of any distribution pipe. All joints and connections shall be solvent-cemented.

(3) Be placed in the clean, washed gravel with holes downward. The gravel shall be a minimum of six inches in depth below the pipe and two inches in depth above the pipe.

b. The outer ends of all pressure distribution lines shall be turned up, with either a long 90-degree elbow or two 45-degree elbows, to allow for cleaning. The outer ends shall have a screw-on cap and cover that shall be accessible from the ground surface without excavation.

c. The central pressure manifold should consist of 1½- or 2-inch solid plastic pipe and should use either a tee for connecting the distribution lines or an equivalent design that ensures uniform distribution.

d. Construction should be initiated immediately after preparation of the soil interface by placing all of the sand fill material needed for the mound (to the top of the trench) to a minimum depth of 21 inches above the plowed surface. This depth will permit excavation of the trenches to accommodate the six inches of washed gravel or crushed stone necessary for the distribution piping.

e. The absorption trench or trenches shall be hand-excavated into the sand. Trench bottoms shall be level.

f. Six inches of gravel shall be placed in the trench and leveled. After the distribution pipe is placed, the pipe shall be covered with a minimum of two inches of gravel.

g. The entire sand and gravel area shall be covered with synthetic drainage fabric or other material approved by the administrative authority.

h. After installation of the distribution system, the system shall be pressure-tested before it is covered with gravel.

i. The entire mound shall be:

(1) Covered with topsoil native to the site or of similar characteristics to support vegetation found in the area;

(2) Crowned by providing a minimum of six inches of topsoil on the side slopes, with a minimum of 12 inches of topsoil over the center of the mound; and

(3) Seeded, sodded, or otherwise provided with a grass cover to ensure stability of the installation.

j. The area surrounding the mound shall be graded to provide for diversion of surface runoff water.

Dosing.

a. Pump dosing shall be required for mound systems.

b. The dosing volume shall be three to ten times the distribution piping network volume, but not more than 25 percent of the design flow shall be applied to the soil in one dose.

c. The dosing pump shall be capable of maintaining a squirt height of three feet above the pipe at the outer ends of the distribution lines. All lines shall have an equal squirt height above the pipe to maintain equal distribution.

Appendix D - At-Grade System Construction Design Standards

At-grade system construction details.

a. There shall be a minimum of three feet of undisturbed naturally occurring soils between the bottom of the gravel, chamber, or EPS aggregate in the at-grade system and the highest elevation of any confining layers.

b. An at-grade system may be installed up to 12 inches deep.

c. Gravel shall meet the requirements of 69.5(2)“*a.*” EPS aggregate or chambers are acceptable alternatives to gravel if the manufacturer’s specifications and installation procedures are followed and pressure pipe is used to adequately dose the entire bed.

d. At-grade system beds shall be installed with the long dimension parallel to the land contour. Systems on steep slopes with slowly permeable soils should be narrow to reduce the possibility of toe seepage.

e. Minimum spacing between distribution pipes shall be four feet, and a minimum of three feet shall be maintained between any trench and the sidewall of the at-grade.

f. No soils under or within 15 feet of any at-grade system may be disturbed. On sloping sites, no soils shall be disturbed within 10 feet uphill of the system and within 15 feet downhill of the system, plus an additional five feet for every 5 percent slope downhill.

g. Construction equipment that would cause undesirable compaction of the soil shall be kept off the base area. Construction or plowing shall not be initiated when the soil moisture content is high. If a sample of soil from approximately nine inches below the surface can be easily rolled into a 1/8-inch diameter wire 1 1/2 inches long, the soil moisture content is too high for construction purposes.

h. Aboveground vegetation shall be closely cut and removed from the ground surface throughout the area to be utilized for the placement of the fill material.

i. The area shall be plowed to a minimum depth of six to eight inches, parallel to the land contour, with the plow throwing the soil up slope to provide a proper interface between the fill and the natural soil. Chisel teeth on a backhoe bucket shall be at least as long as the depth of plowing. Tree stumps should be cut flush with the surface of the ground, and roots should not be pulled. All work shall be done from the uphill side of the at-grade system.

j. The absorption bed area of the at-grade system shall be calculated using the flow rate and the results of the percolation rate test or soil analysis, as indicated in Table IIa or IIb of 69.5(1)“*g*”(1).

k. One foot of loamy cover material shall be installed over the bed. Cover shall extend at least five feet from the ends of the bed and be sloped to divert surface water. Side slopes shall not be steeper than 4:1. The upper six inches of the loamy soil cover must be topsoil borrow. Topsoil borrow must be of a quality that provides a good vegetative cover on the at-grade system.

Distribution system.

a. The distribution pipe(s) shall be:

(1) Either SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a one-inch nominal diameter, or an equivalent design that ensures proper distribution.

(2) Provided with either a single row of 1/4-inch perforations in a straight line 30 inches on center along the length of the pipe or an equivalent design that ensures uniform distribution. No perforations shall be permitted within three inches of the outer ends of any distribution pipe. All joints and connections shall be solvent-cemented.

(3) Be placed in the clean, washed gravel (or crushed limestone as described in 69.5(3)“*a*”(3)), with holes downward. The gravel shall be a minimum of six inches in depth below the pipe and two inches in depth above the pipe.

(4) Installed in the center of the gravel bed on slopes less than one percent and on the upslope edge at the gravel bed absorption width on slopes one percent or greater.

b. The outer ends of all pressure distribution lines shall be turned up, with either a long 90-degree elbow or two 45-degree elbows, to allow for cleaning. The outer ends shall have a screw-on cap and cover that shall be accessible from the ground surface without excavation.

c. The central pressure manifold should consist of 1½- or 2-inch solid plastic pipe and should use either a tee for connecting the distribution lines or an equivalent design that ensures uniform distribution.

d. The top of the gravel, chambers, or EPS aggregate shall be covered with synthetic drainage fabric or other material approved by the manufacturer or administrative authority.

e. After installation of the distribution system, the system shall be pressure-tested before it is covered with gravel.

f. The entire at-grade system shall be:

(1) Covered with topsoil native to the site or of similar characteristics to support vegetation found in the area;

(2) Crowned by providing a minimum of 6 inches of topsoil on the side slopes, with a minimum of 12 inches of topsoil over the center of the at-grade system; and

(3) Seeded, sodded, or otherwise provided with a grass cover to ensure stability of the installation.

g. The area surrounding the at-grade system shall be graded to provide for diversion of surface runoff water.

Dosing.

a. Pump dosing shall be required for at-grade systems.

b. The dosing volume shall be three to ten times the distribution piping network volume, but not more than 25 percent of the design flow shall be applied to the soil in one dose.

c. The dosing pump shall be capable of maintaining a squirt height of three feet above the pipe at the outer ends of the distribution lines. All lines shall have an equal squirt height above the pipe to maintain equal distribution.

Appendix E - Soil Absorption Bed System Construction Design Standards

Soil absorption bed system construction details.

- a.* A soil absorption bed system may only be used when site restrictions limit the use of a conventional system.
- b.* Soil absorption bed system placement shall be limited to areas having natural slopes of less than six percent. Absorption areas for seepage beds and trenches shall not be placed in soils with a percolation rate exceeding 30 minutes per inch or a loading rate of less than 0.40 gpd/ft².
- c.* Soil absorption bed systems shall not be wider than 12 feet if gravity distribution is used and 25 feet if pressure distribution is used.
- d.* Natural, undisturbed soil must exist between multiple soil absorption beds. Multiple soil absorption beds shall be spaced at one-half the bed width.

Distribution.

- a.* If gravity distribution is used in a soil absorption bed system, the bed absorption area shall be calculated by dividing the design flow by the soil loading rate in 69.5(1) "g"(1) Tables IIa and IIb, multiplied by 1.5.
- b.* Distribution piping for gravity distribution in a soil absorption bed system shall be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the seepage bed.
- c.* If pressure distribution is used in seepage beds, the seepage bed absorption area shall be determined by dividing the design flow by the soil loading rate in 69.5(1) "g"(1) Tables IIa and IIb.
- d.* Pressure distribution shall be used in soil absorption bed systems when the distribution media is in contact with any soil textures classified as sand or loamy sand or when the system is placed in soils with a percolation rate of 0.1 to 5 minutes per inch.
- e.* Pressure distribution piping in soil absorption bed systems must be spaced no further than 36 inches apart and no further than 24 inches from the outside edge of the bed.

Appendix F - Intermittent Subsurface Sand Filter (ISSF) Construction Design Standards

ISSF filter sizing.

a. Residential systems.

(1) Gravity flow. Residential ISSFs shall be sized at a rate of 240 ft² of surface area per bedroom.

(2) Siphon- or non-pressure dosed. Residential ISSFs dosed by a dosing siphon or other non-pressure dosed system shall be sized at a rate of 180 ft² of surface area per bedroom.

(3) Pressure-dosed. Residential ISSFs dosed by a pump shall be sized at a rate of 150 ft² of surface area per bedroom.

b. Non-residential. Effluent application rates for commercial ISSFs treating domestic waste shall not exceed the following:

(1) 1.0 gal/ft²/day.

(2) The total surface area for any non-residential ISSF shall not be less than 200 ft².

c. Dosing. The dosing system shall be designed to cover the entire filter bed during the dosing cycle. A dosing frequency of greater than twice per day is recommended.

Collection pipelines.

a. Each ISSF shall contain a horizontal set of collector lines.

b. The collector lines shall be either equivalent to SDR 35 PVC pipe (or stronger), 10-inch diameter gravelless drainage technology, EPS aggregate, chamber, or other suitable materials approved by the administrative authority.

c. One collector line shall be provided for each six feet of width or fraction thereof. A minimum of two collector lines shall be provided.

d. Collector lines shall be laid to a grade of one inch in ten feet (or 0.5 percent to 1.0 percent).

e. Each collector line shall be vented or connected to a common vent. Vents shall either extend at least 12 inches above the ground surface with the outlet either screened, provided with a 180-degree elbow, or provided with a perforated cap.

f. Gravelless drainage technology with a synthetic mesh wrap may be used for the collector lines. If a synthetic mesh wrap is used, no gravel or pea gravel is required to cover the collector lines and the pipe shall be bedded in filter sand.

g. EPS aggregate may be used for the collection system as an alternative to gravel and rigid PVC pipe. If used, EPS aggregate shall meet requirements equivalent to 69.5(5), follow the manufacturer's specifications and installation procedures, and cover the bottom of the sand filter. A six-foot separation between collection pipes shall be maintained. Fabric filter meeting the requirements of "h"(2) below shall be used instead of washed pea gravel.

h. If four-inch plastic pipe with perforations is used for the collector lines, the lines shall be covered as follows:

(1) Gravel ¾ inch to 2½ inches in size shall be placed around and over the lower collector lines until there is a minimum of 4 inches of gravel over the pipes; and

(2) The gravel shall be overlaid with a minimum of three inches of washed pea gravel, ⅜-inch to ¾-inch in size, interfacing with the filter media. A layer of fabric filter may be used in place of the pea gravel. If used, fabric filters must either be 30 by 50 mesh with a percolation rate of at least five gallons/ft²/minute, or a material that allows for adequate air and water movement into the collector lines, per manufacturer specifications and as approved by the administrative authority.

i. A minimum of 24 inches of coarse washed sand shall be placed over the pea gravel or above the gravelless drainfield pipe. The sand shall meet the Iowa DOT standards for concrete sand, as follows:

(1) 100 percent of the sand shall pass a 9.5 mm screen,

- (2) 90 to 100 percent shall pass a 4.75 mm screen,
- (3) 70 to 100 percent shall pass a 2.36 mm screen,
- (4) 10 to 60 percent shall pass a 600 Tm screen, and
- (5) 0 to 1.5 percent shall pass a 75 Tm screen.

j. The discharge pipe that extends from the collection system shall be solid SDR 35 PVC pipe (or stronger) at a minimum.

Distribution system and cover.

a. Six inches of gravel $\frac{3}{4}$ inch to $2\frac{1}{2}$ inches in size or other material as discussed in this section shall be placed upon the sand in the ISSF.

b. Distribution lines shall be level and horizontally spaced a maximum of three feet apart, center to center. Distribution lines shall be rigid, perforated PVC pipe if used with a gravel base. Pipe should meet requirements equivalent to 69.5(2) “*d*”(2) and “*d*”(3), or an equivalent design that ensures proper distribution.

c. For ISSFs using gravity distribution, venting shall be placed on the downstream end of the distribution lines, with each distribution line being vented or connected to a common vent. Vents shall either extend at least 12 inches above the ground surface with the outlet screened, have a 180-degree elbow, or be provided with a perforated cap. A vent shall not be used on distribution lines for systems using pressure distribution.

d. Enough gravel shall be placed to cover the distributors.

e. Synthetic drainage fabric or other material approved by the manufacturer or administrative authority shall be placed upon the top of the upper layer of gravel.

f. A minimum of 12 inches of soil backfill shall be provided over the rock or other material as discussed in this section.

g. A distribution box shall be provided for each filter bed where gravity distribution is used. The distribution boxes shall be placed upon undisturbed earth outside the filter bed. Separate watertight lines shall be provided leading from the distribution boxes to each of the distributor lines in the beds.

h. EPS aggregate or chamber may be used for the distribution system as an alternative to gravel and rigid, perforated PVC pipe. If used, EPS aggregate or chamber shall meet requirements equivalent to 69.5(5), follow the manufacturer’s specifications and installation procedures, and cover the top of the sand filter. A three-foot separation between distribution pipes shall be maintained. If chamber is used, the system must be dosed.

i. Pressure dosing is recommended to improve effluent distribution across the surface of the filter. Pressure distribution systems may use either conventional rock and PVC pipe, chambers with small-diameter pipe, or EPS aggregate with small-diameter pipe. Distribution lines shall be level and shall be horizontally spaced a maximum of three feet apart, center to center.

(1) The distribution pipe for a pressure-dosed system shall either be SCH 40 or 80 PVC pipe (SDR 26 or stronger) with a one-inch nominal diameter, have either a single row of $\frac{1}{4}$ -inch perforations in a straight line 30 inches on center along the length of the pipe, or an equivalent design that ensures proper distribution.

(2) The distribution pipe for a siphon-dosed or other manufactured non-pump pressured device shall be either SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a $1\frac{1}{2}$ -inch nominal diameter, holes $\frac{1}{4}$ to $\frac{5}{16}$ inches in size spaced every three feet, or an equivalent design that ensures proper distribution.

(3) It is recommended that the outer ends of all pressure type distribution lines be turned up with either a long 90-degree elbow or two 45-degree elbows to allow for maintenance. The outer ends should have a screw-on cap and cover and should be accessible from the ground surface.

(4) Holes in the distribution pipe shall be configured to evenly distribute the effluent.

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]
[Filed 12/2/83, Notice 6/22/83—published 12/21/83, effective 1/25/84]
[Filed 8/24/84, Notice 5/9/84—published 9/12/84, effective 10/18/84]
[Filed 10/31/86, Notice 5/21/86—published 11/19/86, effective 12/24/86]
[Filed 9/28/90, Notice 6/13/90—published 10/17/90, effective 11/21/90]
[Filed emergency 2/1/91—published 2/20/91, effective 3/1/91]
[Filed 7/29/94, Notice 3/16/94—published 8/17/94, effective 9/21/94]
[Filed 3/19/98, Notice 11/19/97—published 4/8/98, effective 5/13/98]
[Filed 11/19/03, Notice 6/11/03—published 12/10/03, effective 1/14/04]
[Filed 8/25/06, Notice 4/12/06—published 9/27/06, effective 11/1/06]
[Filed ARC 7569B (Notice ARC 7308B, IAB 11/5/08), IAB 2/11/09, effective 3/18/09]
[Filed ARC 0208C (Notice ARC 0046C, IAB 3/21/12), IAB 7/11/12, effective 8/15/12]
[Filed ARC 9467C (Notice ARC 8650C, IAB 1/8/25), IAB 8/6/25, effective 9/10/25]¹

¹ September 10, 2025, effective date of ch 69 [ARC 9467C] delayed until the adjournment of the 2026 Legislative Session of the General Assembly by the Administrative Rules Review Committee at its meeting held September 8, 2025.

PUBLIC HEALTH DEPARTMENT[641]

Rules of divisions under this department “umbrella” include Professional Licensure[645], Dental Board[650], Medical Board[653], Nursing Board[655] and Pharmacy Board[657]

CHAPTER 1

REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND QUARANTINE AND ISOLATION

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CHAPTER 3

EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

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[Prior to 4/4/12, see 641—Chapter 37]

Rescinded **ARC 9557C**, IAB 9/17/25, effective 11/1/25

CHAPTER 9

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[Prior to 7/29/87, Health Department[470], Ch 9]

Rescinded **ARC 9558C**, IAB 9/17/25, effective 11/1/25

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Rescinded **ARC 9559C**, IAB 9/17/25, effective 11/1/25

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[Prior to 7/29/87, Health Department[470] Ch 16]
Rescinded IAB 1/30/08, effective 3/5/08

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[Prior to 7/29/87, Health Department[470] Ch 17]
Rescinded IAB 1/30/08, effective 3/5/08

CHAPTER 18
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[Prior to 7/29/87, Health Department[470] Ch 18]
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[Prior to 7/29/87, Health Department[470]]
Rescinded IAB 1/30/08, effective 3/5/08

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Rescinded **ARC 9268C**, IAB 5/14/25, effective 7/1/25

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CHAPTER 22
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Transferred to 481—Chapter 492, IAC Supplement 4/2/25

CHAPTER 23
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Transferred to 481—Chapter 431, IAC Supplement 4/2/25

CHAPTER 77
LOCAL BOARDS OF HEALTH
[Prior to 7/29/87, Health Department[470] Ch 77]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/1/30

641—77.1(137) Definitions. For the purpose of these rules, the following definitions apply:

“Core public health functions” means the functions of assessment, policy development, and assurance.

1. Assessment: regular collection, analysis, interpretation, and communication of information about health conditions, risks, and assets in a community.

2. Policy development: development, implementation, and evaluation of plans and policies, for public health in general and priority health needs in particular, in a manner that incorporates scientific information and community values and in accordance with state public health policy.

3. Assurance: ensuring by encouragement, regulation, or direct action that programs and interventions that maintain and improve health are carried out.

“District” means the same as defined in Iowa Code section 137.102.

“District board” means the same as defined in Iowa Code section 137.102.

“District health department” means the same as defined in Iowa Code section 137.102.

“Environmental health services” means services focused on the environment to support population-based health services.

“Essential public health services” means those activities carried out by public health that fulfill the core functions.

“Local board of health” means the same as defined in Iowa Code section 137.102.

“Personal health services” means services focused on the care of individuals.

“Population-based health services” means services focused on the health status of population groups and their environments.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.2(137) Local boards of health—roles and responsibilities. Public health is responsible for safeguarding the community’s health. This goal is pursued through three core functions: assessment, policy development and assurance.

77.2(1) Assessment: regularly and systematically collect, assemble, analyze, and make available information on the health of the community, including statistics on health status, community health needs, personal health services, and epidemiologic and other studies of health problems. A local board of health may perform the following essential public health services:

- a. Monitor health status to identify community health problems;
- b. Diagnose and investigate health problems and health hazards in the community; and
- c. Evaluate effectiveness, accessibility, and quality of personal, population-based, and environmental health services.

77.2(2) Policy development: exercise responsibility to serve the public interest in the development of comprehensive public health policies. This core function can be accomplished by promoting use of a scientific knowledge base in decision making about public health and by taking the lead in public health policy development.

- a. A local board of health may perform the following essential public health services:
 - (1) Develop policies and plans that support individual and community health efforts; and
 - (2) Research new insights and innovative solutions to health problems and health threats.
- b. A local board of health shall perform the following essential public health services:
 - (1) Enforce laws and regulations that protect public health and enforce lawful orders of the department;
 - (2) Make and enforce reasonable rules and regulations not inconsistent with the law or the rules of the department as may be necessary for the protection and improvement of public health; and

(3) Employ persons as necessary for the efficient discharge of the board's duties. Employment practices shall meet the requirements of Iowa Code chapter 8A, subchapter IV, or any civil service provision adopted under Iowa Code chapter 400.

77.2(3) Assurance: assure constituents that services necessary to achieve agreed-upon goals are provided either by encouraging action by other entities (private or public sector), by requiring such action through regulation, or by providing services directly. Each local board of health must involve key policymakers and the general public in determining a set of high-priority personal and population-based health services. A local board of health may perform the following essential public health services:

- a. Link people to needed personal health services; provide such personal, population-based and environmental health services as deemed necessary for the promotion and protection of the health of the public; and charge reasonable fees for personal health services;
- b. Ensure the competence of the public health, environmental health, and personal health care workforce;
- c. Inform, educate, and empower people about health issues;
- d. Mobilize community partnerships to identify and solve health problems;
- e. Issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems;
- f. Engage in joint operations by:
 - (1) Contracting with colleges and universities; the department; other public, private, and nonprofit agencies; and individuals; or
 - (2) Forming a district health department to provide personal and population-based health services; and
- g. Enforce, by written agreement with the council of any city within its jurisdiction, appropriate ordinances of the city relating to public health.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.3(137) Organization of local boards of health.

77.3(1) *Qualifications.* Members of a local board of health should have experience or education related to the core public health functions, essential public health services, public health, environmental health services, personal health services, population-based services, or community-based initiatives.

77.3(2) *Officers of local boards of health.* Each local board of health shall, at its first meeting during any calendar year, elect one of its members to serve as chairperson until the first meeting of the following calendar year.

a. The local board of health may elect a vice-chairperson, secretary, or other such officers as it may deem advisable.

b. In case of a vacancy of the office of chairperson, a successor, who shall serve the remainder of the term, shall be elected at the next meeting of the board.

77.3(3) *Meetings of local boards of health.* The place, date and time of regular meetings of the local board of health shall be determined by vote of the board, and such meetings shall comply with the provisions of the open meetings law in Iowa Code chapter 21.

a. Each local board of health shall meet at least six times per year.

b. Special meetings of a local board of health may be called, as needed, by the chairperson or by any three board members. The local board of health shall provide at least 24 hours' notice of special meetings, except in case of emergency.

c. A majority of the members of a local board of health shall be considered a quorum, and an affirmative vote of the majority of the members present is necessary for action taken by a local board of health. The majority shall not include any member who has a conflict of interest, and a statement by the member that a conflict of interest exists shall be conclusive for this purpose.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.4(137) Expenses of local board of health members.

77.4(1) The following may be considered necessary expenses of local board of health members:

- a. Travel in private car on local board of health business at the same rate as provided for a public officer or employee in Iowa Code section 70A.9.
- b. Lodging and meal expenses, including sales tax on lodging and meals.
- c. Expense of public transportation when traveling on local board of health business.
- d. Miscellaneous expenses related to performance of duties as approved by the local board of health.
- e. Training and education expenses.

77.4(2) This rule shall not be construed as requiring the payment of reimbursement to any person or as prohibiting local boards of health from imposing additional restrictions or administrative requirements on expenses of their members.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.5(137) Dissolution of city boards. A city board of health may voluntarily dissolve by submitting notice to the department. The notice shall set an effective date for the action.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.6(137) Request to form district board of health. The county boards of health of any two or more geographically contiguous counties may at any time submit to the department a written request to form a district board of health in accordance with Iowa Code section 137.106.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.7(137) Review, approval or denial of district board of health formation.

77.7(1) Upon receipt of the application form and all information contained in rule 641—77.6(137), the department will review such information and shall determine, within 30 days, whether the required elements have been presented by the proposed district and will provide notice of approval of district board of health formation, including effective dates, to the county board of health of each county in the district and to the board of supervisors of each county in the district.

77.7(2) Upon receipt of the notice of approval of district board of health formation, each appointing authority shall, prior to the effective date of district board of health formation, appoint district board of health members as specified in Iowa Code section 137.105.

77.7(3) The department has the authority to deny formation of a district board of health if the application fails to conform with Iowa Code chapter 137 or this chapter.

77.7(4) The department will notify, in writing, all local boards of health in the proposed district of the reason and rationale for the denial of the district board of health formation within 30 days of the decision.

77.7(5) The local boards of health in the proposed district have the right to request reconsideration of the decision by submitting the request to the department within 30 days of receiving notice of the decision.

77.7(6) The department will reconsider the request by the local boards of health. The reconsideration shall not constitute a contested case hearing. The department's final decision following reconsideration shall constitute final agency action pursuant to Iowa Code section 17A.19, and judicial review of any such decision shall be treated as other agency action.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.8(137) Adding to a district board of health. A county may be added to an existing district board of health by submission and approval of a request as specified in Iowa Code sections 137.106 and 137.107.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

641—77.9(137) Withdrawal from a district board of health. A county may voluntarily withdraw from a district board of health by submitting a request for withdrawal to the department for approval.

The request shall include a timeline and plan to reestablish a county board of health or to join a different district board of health to provide the core public health functions and essential public health services to the county's geographic area.

77.9(1) If the department approves the request for withdrawal of the applicant county from the district board of health, an effective date will be set for the action and the department will notify the district board of health and the board of supervisors of the applicant county.

77.9(2) The ownership of property and equipment shall follow the guidelines submitted in the original request to form the district board of health.

77.9(3) The remaining counties in the district shall submit an application including the information specified in rule 641—77.6(137) to the department for review as provided in Iowa Code section 137.107.

[ARC 9561C, IAB 9/17/25, effective 11/1/25]

These rules are intended to implement Iowa Code chapter 137.

[Filed 10/10/67; amended 1/22/68]

[Filed 3/18/76, Notice 2/9/76—published 4/5/76, effective 5/10/76]

[Filed 11/29/79, Notice 10/17/79—published 12/26/79, effective 1/31/80]

[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]

[Filed 3/18/98, Notice 1/14/98—published 4/8/98, effective 5/13/98]

[Filed ARC 9773B (Notice ARC 9632B, IAB 7/27/11), IAB 10/5/11, effective 11/9/11]

[Filed ARC 2840C (Notice ARC 2725C, IAB 9/28/16), IAB 12/7/16, effective 1/11/17]

[Filed ARC 9561C (Notice ARC 9422C, IAB 7/23/25), IAB 9/17/25, effective 11/1/25]

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES
[Prior to 8/3/94, "Homemaker-Home Health Aide Services"]
[Prior to 4/11/07, see also 641—Ch 79]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/1/30

641—80.1(135) Definitions. For the purposes of these rules, the following definitions apply:

"Allocation" means the process to distribute funds.

"Appropriation" means the funding amount approved in the state budget.

"Contractor" means a local board of health.

"Core public health functions" means the same as defined in 641—Chapter 77.

"Elderly" means an individual aged 60 years and older.

"Essential public health services" means a framework for public health to promote and protect the health of all people in all communities.

"Formula" means the mathematical calculation applied to the state appropriation and granted to each local board of health pursuant to Iowa Code section 135.11(10) to determine the amount of available funds to be distributed to each county.

"Local board of health" or *"LBOH"* means a county or district board of health as defined in Iowa Code chapter 137.

"Low income" means the U.S. Census Bureau's small area income and poverty estimates (SAIPE) used to determine low income.

"LPHS" means local public health services.

"Public health intervention" means an organized effort to promote behaviors and habits that can improve physical, mental, and emotional health for specific groups of people.

[ARC 9562C, IAB 9/17/25, effective 11/1/25]

641—80.2(135) Contractor assurances. A contractor may directly provide or subcontract all or part of the delivery of essential public health services and public health interventions and will ensure the terms of its contract with the department are fulfilled.

[ARC 9562C, IAB 9/17/25, effective 11/1/25]

641—80.3(135) Utilization of LPHS contract funding. A contractor may bill the department for staff time, salaries and benefits, and other necessary costs to implement the approved essential public health services and interventions.

[ARC 9562C, IAB 9/17/25, effective 11/1/25]

641—80.4(135) LPHS funds.

80.4(1) Allocation for LPHS funds to each contractor is determined by the following formula:

a. Eighteen percent of the total LPHS funds will be divided so that an equal amount is available for use in each county in the state.

b. Eight percent of the total LPHS funds will be allocated to each county according to the county's population based upon the published data of the U.S. Census Bureau, which is the most recent data available three months prior to the release of the LPHS application.

c. Forty-four percent of the total LPHS funds will be allocated according to the proportion of state residents who are elderly persons living in a county based upon the bridged-race population estimates produced by the U.S. Census Bureau in collaboration with the National Center for Health Statistics (NCHS).

d. Thirty percent of the total LPHS funds will be allocated according to the proportion of state residents who are low-income persons living in a county based upon the U.S. Census Bureau's SAIPE.

80.4(2) The department will annually determine the potential for unused funds from contracts. Reallocation of the funds will be at the discretion of the department.

[ARC 9562C, IAB 9/17/25, effective 11/1/25]

These rules are intended to implement Iowa Code section 135.11(10).

[Filed emergency 7/1/82—published 7/21/82, effective 7/1/82]

[Filed 1/14/83, Notice 12/8/82—published 2/2/83, effective 3/10/83]

[Filed emergency 3/7/83—published 3/30/83, effective 3/10/83]

[Filed emergency 9/11/85—published 10/9/85, effective 9/11/85]

[Filed 11/27/85, Notice 8/14/85—published 12/18/85, effective 1/22/86]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed emergency 9/19/86—published 10/8/86, effective 9/19/86]

[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]

[Filed emergency 6/25/91—published 7/10/91, effective 7/1/91]

[Filed 7/14/94, Notice 4/27/94—published 8/3/94, effective 9/7/94]

[Filed 9/18/98, Notice 7/15/98—published 10/7/98, effective 11/11/98]

[Filed 3/16/07, Notice 1/31/07—published 4/11/07, effective 7/1/07]

[Filed ARC 1925C (Notice ARC 1839C, IAB 1/21/15), IAB 4/1/15, effective 7/1/15]

[Filed ARC 3747C (Notice ARC 3577C, IAB 1/17/18), IAB 4/11/18, effective 5/16/18]¹

[Filed ARC 4488C (Notice ARC 4362C, IAB 3/27/19), IAB 6/5/19, effective 7/10/19]

[Filed ARC 6270C (Notice ARC 6158C, IAB 1/26/22), IAB 4/6/22, effective 7/1/22]

[Filed ARC 9562C (Notice ARC 9424C, IAB 7/23/25), IAB 9/17/25, effective 11/1/25]

¹ May 16, 2018, effective date of ARC 3747C [80.2, 80.3, 80.4(4) “f”(6), 80.5(2) “a”(4), 80.6] delayed until the adjournment of the 2019 General Assembly by the Administrative Rules Review Committee at its meeting held May 8, 2018.

CHAPTER 94
CHILD PROTECTION CENTER GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/1/30

641—94.1(135) Definitions. For the purposes of these rules, the following definitions apply:

“*Child abuse*” means the same as defined in Iowa Code section 232.68(2).

“*Child protection center*” or “*child advocacy center*” means a comprehensive, child-focused program, designed by communities to meet their needs, based in a facility that allows law enforcement, child protection professionals, prosecutors, and the mental health and medical communities to work together to handle child abuse cases. “Child advocacy center” is synonymous with “child protection center.”

“*Department service area*” means one of the five geographic areas designated by the department for the provision of family well-being and protection services.

[ARC 9563C, IAB 9/17/25, effective 11/1/25]

641—94.2(135) Goals. A child protection center’s goals for victims of child abuse allegations shall be:

1. To provide consistent and expedient response and follow-up to abuse reports.
2. To coordinate activities to investigate, prosecute, and treat child abuse.
3. To advocate for medical and mental health resources to effectively help the child and the child’s family.
4. To reduce the number of interviews and interactions with a victim.
5. To provide consistent and compassionate support for the child and the child’s family.
6. To ensure that the child is not further victimized by the system designed to protect the child.
7. To increase successful prosecutions.

[ARC 9563C, IAB 9/17/25, effective 11/1/25]

641—94.3(135) Review process.

94.3(1) The department will establish a request for proposal and application process for organizations eligible to receive funding. The department will establish a process to review applications, including receiving input from a review committee. The review process and review criteria will be described in the request for proposals.

94.3(2) The director will create a committee to review proposals and make recommendations to the director. At a minimum, committee membership will be in accordance with Iowa Code section 135.118(3).

94.3(3) While implementation of the grant program is subject to the availability of funding, if sufficient funding is available, the department will, at a minimum, award a grant to a child protection center in or available to each department service area.

[ARC 9563C, IAB 9/17/25, effective 11/1/25]

641—94.4(135) Eligibility and criteria. To be eligible for a child protection center grant, an organization shall:

94.4(1) Have acquired partial membership rank as a child advocacy center from the National Children’s Alliance and shall identify a plan to acquire full membership rank within one year of receiving a state grant.

94.4(2) Have in place an interagency memorandum of understanding that meets the requirements of Iowa Code section 135.118. The applicant shall provide in the application written information in the following areas:

- a. Data, statistics and facts from an assessment of need and assets in the community to support a child protection center for children.

- b.* Identification of barriers to the child protection center to reach the purpose and goals for children as may exist in federal, state, or local rules, regulations, codes, policies, or procedures.
- c.* A plan to request and advocate waivers of federal, state, or local rules, regulations, codes, policies, or procedures to remove or reduce barriers.
- d.* The child protection center's access to information regarding all suspected or confirmed child abuse/neglect victims in the identified service area.
- e.* The child protection center's provision of 24-hour access to center staff for support, questions, and referrals regarding child abuse.
- f.* Identification of matching local funds to support and sustain the child protection center in the community.
- g.* A plan for community education on prevention of child abuse and neglect.
- h.* Collaboration agreements with providers of human services, child health services, early education services, and all other potential community partners to support the purpose and goals of the child protection center.
- i.* The child protection center's ability to access and utilize alternate funds for activities provided.

[ARC 9563C, IAB 9/17/25, effective 11/1/25]

641—94.5(135) Appeals. An applicant may appeal the denial of a properly submitted grant application. Appeals will be governed by 441—Chapter 7, Division II.

[ARC 9563C, IAB 9/17/25, effective 11/1/25]

These rules are intended to implement Iowa Code section 135.118.

[Filed 3/14/03, Notice 2/5/03—published 4/2/03, effective 5/7/03]

[Filed ARC 9563C (Amended Notice ARC 9411C, IAB 7/23/25; Notice ARC 8553C, IAB 12/25/24),
IAB 9/17/25, effective 11/1/25]

PUBLIC SAFETY DEPARTMENT[661]

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

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[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]
[Prior to 7/26/23, see Transportation Department[761] Ch 520]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) Regulations.

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, 2023).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2023).

c. Copies of regulations. Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

22.1(2) Carriers subject to regulations.

a. Operators of commercial vehicles, as defined in Iowa Code section 321.1, are subject to the Federal Motor Carrier Safety Regulations adopted in this rule unless exempted under Iowa Code section 321.449.

b. Operators of vehicles transporting hazardous materials in commerce are subject to the Federal Hazardous Materials Regulations adopted in this rule unless exempted under Iowa Code section 321.450.

c. Operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire, designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) Declaration of knowledge of regulations. Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.2(321) Definitions. The following definitions apply to the regulations adopted in rule 661—22.1(321):

“Any requirements which impose any restrictions upon a person” as used in Iowa Code section 321.449(6) means the requirements in 49 CFR Parts 391 and 395.

“Driver age qualifications” as used in Iowa Code section 321.449(3) means the age qualifications in 49 CFR 391.11(b)(1).

“Driver qualifications” as used in Iowa Code section 321.449(2) means the driver qualifications in 49 CFR Part 391.

“Farm customer” as used in Iowa Code section 321.450(3) means a retail consumer residing on a farm or in a rural area or city with a population of 3,000 or less.

“Hours of service” as used in Iowa Code section 321.449(2) means the hours of service requirements in 49 CFR Part 395.

“Recordkeeping requirements” as used in Iowa Code section 321.449(2) means the recordkeeping requirements in 49 CFR Part 395.

“Rules adopted under this section concerning physical and medical qualifications” as used in Iowa Code sections 321.449(5) and 321.450(2) means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

“Rules adopted under this section for a driver of a commercial vehicle” as used in Iowa Code section 321.449(4) means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.3(321) Motor carrier safety regulations exemptions.

22.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR 396.17 as adopted in rule 661—22.1(321):

- a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.
- b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.
- c. Unregistered farm trailers as defined in rule 761—400.1(321) pursuant to Iowa Code section 321.123.
- d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers.

22.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 661—22.1(321):

22.4(1) Pursuant to Iowa Code section 321.450(3), “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

22.4(2) Reserved.

This rule is intended to implement Iowa Code section 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.5(321) Safety fitness.

22.5(1) *New motor carrier safety audits.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform safety audits of new motor carriers and have the authority to enter a motor carrier’s place of business for the purpose of performing these audits. These audits are performed in compliance with 49 CFR Part 385 and are completed within 18 months from the day the motor carrier commences business.

22.5(2) *Motor carrier compliance reviews.* Peace officers in the commercial motor vehicle unit of the department of public safety will perform compliance reviews of motor carriers and shall have the authority to enter a motor carrier’s place of business for the purpose of performing these compliance reviews. These compliance reviews are performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.6(321) Out-of-service order. A person will not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance is issued when either the vehicle operator is not qualified to operate

the vehicle or the vehicle is unsafe to be operated until required repairs are made. The out-of-service order is consistent with the North American Uniform Out-of-Service Criteria.

This rule is intended to implement Iowa Code sections 321.3, 321.208A, 321.449, and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.7(321) Driver's statement. A “driver” as used in Iowa Code sections 321.449(5) and 321.450(2) will carry at all times a notarized statement of employment. The statement includes the following:

1. The driver's name, address and social security number;
2. The name, address and telephone number of the driver's pre-July 29, 1996, employer;
3. A statement, signed by the pre-July 29, 1996, employer or the employer's authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and
4. A statement showing the driver's physical or medical condition existed prior to July 29, 1996.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.8(321) Planting and harvesting period. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting period pertaining to agricultural operations is January 1 through December 31.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.9(325A) Marking of motor vehicles. “Motor vehicle” is defined in Iowa Code chapter 325A. Before any motor vehicle is placed in service, the motor vehicle will be clearly marked with letters and figures large enough to be easily read at a distance of 50 feet and in a color in contrast to the background. These markings will be painted on each side of the motor vehicle or may consist of a removable device that meets identification and legibility requirements and is securely placed on each side of the motor vehicle.

22.9(1) Motor carriers operating intrastate only will display the:

- a. Name of motor carrier under whose authority the motor vehicle is being operated.
- b. U.S. DOT number followed by the letters “IA” if the motor carrier has been issued a number by the Federal Motor Carrier Safety Administration.

22.9(2) Motor carriers operating both interstate and intrastate will display markings in accordance with 49 CFR 390.21.

This rule is intended to implement Iowa Code section 325A.8.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

661—22.10(325A) Bills of lading or freight receipts.

22.10(1) Requirements. Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, will issue a bill of lading or receipt on the date freight is received for shipment. The bill of lading or receipt shows the following:

- a. Name of motor carrier.
- b. Date and place received.
- c. Name of consignor.
- d. Name of consignee.
- e. Destination.
- f. Description of shipment.
- g. Signature of motor carrier or agent issuing the bill of lading or receipt.
- h. Freight described in apparent good order unless an exception is noted.

22.10(2) Retention. There will be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The copy may be either paper or electronic

except that a bill of lading or receipt of freight consisting of hazardous materials must be a paper copy as required in accordance with 49 CFR Part 172. The motor carrier will carry a copy of the bill of lading or receipt with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier will keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department's representatives and any peace officer.

This rule is intended to implement Iowa Code section 325A.10.

[ARC 9571C, IAB 9/17/25, effective 10/22/25]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]

[Filed emergency 11/20/86—published 12/17/86, effective 11/21/86]

[Filed 2/6/87, Notice 12/17/86—published 2/25/87, effective 4/1/87]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 5/29/87—published 6/17/87, effective 6/1/87]

[Filed emergency 7/22/87—published 8/12/87, effective 7/22/87]

[Filed 10/23/87, Notices 6/17/87, 8/12/87—published 11/18/87, effective 1/1/88]

[Filed emergency 3/30/88—published 4/20/88, effective 4/1/88]

[Filed 6/22/88, Notice 4/20/88—published 7/13/88, effective 8/17/88]

[Filed emergency 9/21/89—published 10/18/89, effective 9/21/89]

[Filed 11/30/89, Notice 10/18/89—published 12/27/89, effective 1/31/90]

[Filed 6/7/90, Notice 3/21/90—published 6/27/90, effective 8/1/90]

[Filed emergency 8/8/90—published 9/5/90, effective 8/10/90]

[Filed emergency 10/24/90—published 11/14/90, effective 10/24/90]

[Filed 11/7/90, Notice 9/5/90—published 11/28/90, effective 1/2/91]

[Filed 5/9/91, Notices 11/14/90, 2/20/91—published 5/29/91, effective 7/3/91]

[Filed 7/3/91, Notice 5/15/91—published 7/24/91, effective 8/28/91]

[Filed 8/26/92, Notice 7/22/92—published 9/16/92, effective 10/21/92]

[Filed 6/2/93, Notice 4/28/93—published 6/23/93, effective 7/28/93]

[Filed emergency 7/13/93—published 8/4/93, effective 7/13/93]

[Filed 9/8/94, Notice 8/3/94—published 9/28/94, effective 11/2/94]

[Filed 8/17/95, Notice 7/5/95—published 9/13/95, effective 10/18/95]

[Filed 5/1/96, Notice 3/27/96—published 5/22/96, effective 6/26/96]

[Filed 1/16/97, Notice 12/4/96—published 2/12/97, effective 3/19/97]

[Filed 5/22/97, Notice 4/9/97—published 6/18/97, effective 7/23/97]

[Filed 4/9/98, Notice 2/25/98—published 5/6/98, effective 6/10/98]

[Filed 2/10/99, Notice 12/30/98—published 3/10/99, effective 4/14/99]

[Filed 6/16/00, Notice 4/19/00—published 7/12/00, effective 8/16/00]

[Filed 4/11/01, Notice 3/7/01—published 5/2/01, effective 6/6/01]

[Filed 3/13/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]

[Filed 3/26/03, Notice 2/5/03—published 4/16/03, effective 5/21/03]

[Filed 9/24/03, Notice 8/20/03—published 10/15/03, effective 11/19/03]

[Filed 3/10/04, Notice 2/4/04—published 3/31/04, effective 5/5/04]

[Filed 3/9/05, Notice 2/2/05—published 3/30/05, effective 5/4/05]

[Filed 12/13/05, Notice 10/26/05—published 1/4/06, effective 2/8/06]

[Filed 2/21/07, Notice 1/17/07—published 3/14/07, effective 4/18/07]

[Filed 5/14/08, Notice 4/9/08—published 6/4/08, effective 7/9/08]

[Filed ARC 7750B (Notice ARC 7601B, IAB 3/11/09), IAB 5/6/09, effective 6/10/09]

[Filed ARC 8720B (Notice ARC 8555B, IAB 3/10/10), IAB 5/5/10, effective 6/9/10]

[Filed ARC 9493B (Notice ARC 9417B, IAB 3/9/11), IAB 5/4/11, effective 6/8/11]

[Filed ARC 0034C (Notice ARC 9973B, IAB 1/11/12), IAB 3/7/12, effective 4/11/12]

[Filed ARC 0660C (Notice ARC 0591C, IAB 2/6/13), IAB 4/3/13, effective 5/8/13]

[Filed ARC 2019C (Notice ARC 1922C, IAB 4/1/15), IAB 6/10/15, effective 7/15/15]

[Filed ARC 2525C (Notice ARC 2401C, IAB 2/17/16), IAB 5/11/16, effective 6/15/16]
[Filed ARC 2986C (Notice ARC 2878C, IAB 1/4/17), IAB 3/15/17, effective 4/19/17]
[Filed Emergency ARC 3483C, IAB 12/6/17, effective 12/18/17]
[Filed ARC 3609C (Notice ARC 3482C, IAB 12/6/17), IAB 1/31/18, effective 3/7/18]
[Filed ARC 3840C (Notice ARC 3700C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]
[Filed ARC 4401C (Notice ARC 4256C, IAB 1/30/19), IAB 4/10/19, effective 5/15/19]
[Filed ARC 5018C (Notice ARC 4895C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]
[Filed ARC 5547C (Notice ARC 5411C, IAB 2/10/21), IAB 4/7/21, effective 5/12/21]
[Filed ARC 6307C (Notice ARC 6207C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]
[Filed ARC 6970C (Notice ARC 6822C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]
[Editorial change: IAC Supplement 7/26/23]
[Filed ARC 8008C (Notice ARC 7723C, IAB 3/20/24), IAB 5/15/24, effective 6/19/24]
[Filed ARC 9571C (Notice ARC 9386C, IAB 7/9/25), IAB 9/17/25, effective 10/22/25]

¹ Effective date of 520.1(1)“a” and “b”; rescission of 520.1(2)“b”; and 520.3 delayed until adjournment of the 1993 Regular Session of the General Assembly by the Administrative Rules Review Committee at its meeting held October 14, 1992; delay lifted by the Committee November 10, 1992.

CHAPTER 24
SAFETY REQUIREMENTS FOR MOVEMENT OF
IMPLEMENTS OF HUSBANDRY ON ROADWAYS
[Prior to 8/7/24, see rule 761—450.6(321)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

661—24.1(321) Safety rules for the movement of implements of husbandry on a roadway. The following standards are minimum safety requirements for the movement of implements of husbandry on a roadway.

24.1(1) Towing standard. No power unit operated by a retail seller or manufacturer shall tow more than one implement of husbandry, except those implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

24.1(2) Equipment standards.

a. Braking. Braking equipment of the towing unit or self-propelled implement of husbandry is adequate under Iowa Code section 321.430 when the vehicle is traveling 20 miles per hour and the braking device does either of the following:

- (1) Stops the vehicle or vehicles within 30 feet if the gross weight is less than 5,000 pounds.
- (2) Stops the vehicle or vehicles within 50 feet if the gross weight is 5,000 pounds or more.

b. Rearview mirror. The rearview mirror equipment standard in Iowa Code section 321.437 may be met by the use and installation of a temporary rearview mirror.

c. Lighting. The requirement in Iowa Code section 321.387 applies to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The rear taillight equipment standard may be met by the use and installation of a temporary rear taillight. If an implement of husbandry is being towed by a vehicle that is equipped with brake lights, the requirements of Iowa Code section 321.404 also apply to the towed unit.

d. Turn signal. The requirements of Iowa Code section 321.317 apply to the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry. The turn-signal device equipment standard may be met by the use and installation of a temporary turn-signal device.

e. Tires. The requirements of Iowa Code section 321.440 apply for pneumatic tires on the towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry.

f. Warning devices. The requirements of Iowa Code section 321.383 apply to reflective devices on the self-propelled or towed implement of husbandry.

g. Drawbar and safety chain. The requirements of Iowa Code section 321.462 apply when one vehicle is being towed by another vehicle.

This rule is intended to implement Iowa Code section 321.383.

[ARC 9572C, IAB 9/17/25, effective 10/22/25]

[Filed ARC 9572C (Notice ARC 9384C, IAB 7/9/25), IAB 9/17/25, effective 10/22/25]

SECRETARY OF STATE[721]

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CHAPTER 45
MECHANICS' NOTICE AND LIEN REGISTRY

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

721—45.1(572) General provisions.

45.1(1) Scope. This chapter applies to the creation and administration of a mechanics' notice and lien registry under Iowa Code chapter 572. All filed mechanics' liens must be posted in the office of the administrator in accordance with these rules.

Mechanics' liens filed prior to January 1, 2013, shall remain with the clerk of the district court of the county in which the building, land, or improvement charged with the lien is situated.

Rules 721—45.4(572) and 721—45.5(572) apply only to residential construction. All other rules in this chapter apply to both residential and commercial construction.

45.1(2) Definitions. The following terms shall have the respective meanings provided in this rule.

"Administrator" means the secretary of state.

"Building" shall be construed as if followed by the words "erection, or other improvement upon land."

"Claimant" means a person entitled to a lien under Iowa Code chapter 572.

"Filing office" means the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

"General contractor" means every person who does work or furnishes materials by contract, express or implied, with an owner. "General contractor" does not include a person who does work or furnishes materials on contract with an owner-builder.

"Index" means the categories by which a posting may be searched and retrieved.

"Labor" means labor completed by the claimant.

"Material," in addition to its ordinary meaning, includes machinery, tools, fixtures, trees, evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire, fence material, fence posts, tile and the use of forms, accessories, and equipment furnished by the claimant.

"Mechanics' notice and lien registry" or *"MNLR"* means a centralized computer database maintained on the Internet by the administrator that provides a central repository for the submission and management of preliminary notices, notices of commencement of work on residential construction properties, and mechanics' liens on all construction properties.

"Mechanics' notice and lien registry number" or *"MNLR number"* means a number provided by the administrator for all construction properties posted to the mechanics' notice and lien registry.

"Owner" means the legal or equitable titleholder of record.

"Owner-builder" means the legal or equitable titleholder of record who furnishes material for or performs labor upon a building, erection, or other improvement, or who contracts with a subcontractor to furnish material for or perform labor upon a building, erection, or other improvement and who offers or intends to offer to sell the owner-builder's property without occupying or using the structures, properties, developments, or improvements for a period of more than one year from the date the structure, property, development, or improvement is substantially completed or abandoned.

"Owner notice" means notification to the owner.

"Post" or *"posting"* means to enter notices, liens and any other document on the mechanics' notice and lien registry.

"Residential construction" means construction on single-family or two-family dwellings occupied or used, or intended to be occupied or used, primarily for residential purposes, and includes real property pursuant to Iowa Code chapter 499B.

“*Subcontractor*” means every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts directly with the owner. “*Subcontractor*” shall include those persons having contracts directly with an owner-builder.

“*Submit*” or “*submission*” means to mail, fax, or deliver by person or courier a paper document.
[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.2(572) Creation of mechanics’ notice and lien registry. The administrator shall create and administer a mechanics’ notice and lien registry, hereafter known as the MNLR.

45.2(1) Access to MNLR by the general public. The MNLR shall be accessible to the general public through the administrator’s website at www.sos.iowa.gov/mnlr. A notice, lien or any other document posted is immediately accessible to the general public.

45.2(2) MNLR searchable by index. The MNLR shall be searchable by the following indexes:

- a. Owner name.
- b. General contractor name.
- c. MNLR number.
- d. Property address.
- e. Legal description.
- f. Tax parcel identification number.
- g. County.

45.2(3) Acknowledgment of receipt. The administrator shall provide a receipt acknowledging submission of a notice if the submission of information is by U.S. mail, facsimile transmission, personal delivery, or courier delivery, or acknowledging submission of a lien if the submission of information is by U.S. mail. The acknowledgment shall be sent to the email address provided by the person submitting the required information to post a notice or lien.

45.2(4) MNLR user registration. To post information on the MNLR website, the person must register as a user on the MNLR. Procedures for MNLR user registration and allowed use of the MNLR shall be posted on the administrator’s website.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.3(572) Administrator identification. In addition to the promulgation of these rules, the administrator will disseminate the administrator’s location, mailing address, telephone and facsimile numbers, and the administrator’s website and other electronic addresses through usual and customary means.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.4(572) Posting of notice of commencement of work; renewal of notice; inactive notice.

45.4(1) Posting by general contractor. A general contractor for residential construction shall post a notice of commencement of work to the MNLR within ten days of commencement of work, or the general contractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

45.4(2) Information in notice of commencement of work. The information provided shall, at a minimum, include:

- a. The name and address of the owner.
- b. The name, address, and telephone number of the general contractor or owner-builder.
- c. The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- d. The legal description of the property.
- e. The date work commenced.
- f. The tax parcel identification number.
- g. The county or counties in which the building, land, or improvement to be charged with the lien is situated.

h. The email address of the person posting or submitting the notice of commencement of work or the email address of another individual or entity designated to receive electronic correspondence on behalf of this person.

45.4(3) *Commencement of work owner notice.* At the time a notice of commencement of work is posted on the MNLR, the administrator shall mail a written owner notice to the owner's address. If the owner's address is different than the property address, a copy of the notice shall also be sent to the property address, addressed to the owner.

a. The owner notice shall be in boldface type and of a minimum size of ten points and contain the following language:

"Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The mechanics' notice and lien registry provides a listing of all persons or companies furnishing labor or materials who have posted a lien or who may post a lien upon the improved property. If the person or company has posted its notice or lien to the mechanics' notice and lien registry, you may be required to pay the person or company even if you have paid the general contractor the full amount due. Therefore, check the mechanics' notice and lien registry website for information about the property including persons or companies furnishing labor or materials before paying your general contractor. In addition, when making payment to your general contractor, it is important to obtain lien waivers from your general contractor and from persons or companies registered as furnishing labor or materials to your property. The information in the mechanics' notice and lien registry is posted on the website of the mechanics' notice and lien registry."

b. The owner notice shall include the MNLR website address and MNLR toll-free telephone number.

45.4(4) *Renewal of notice of commencement of work.* A notice of commencement of work may be renewed on the MNLR within 60 days prior to being declared inactive.

45.4(5) *Notice of commencement of work declared inactive.* A notice of commencement of work, if there are no related active postings, shall be declared inactive two years from the date of posting, unless renewed.

45.4(6) *Removal of inactive notice.* A notice of commencement of work shall be removed from the MNLR one year after being declared inactive.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23; ARC 9564C, IAB 9/17/25, effective 10/22/25]

721—45.5(572) Posting of preliminary notice; renewal of notice; inactive notice.

45.5(1) *Posting by subcontractor.*

a. A subcontractor for residential construction who has provided or will provide labor or furnish material for residential construction shall post a preliminary notice to the MNLR, or the subcontractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

b. Prior to the posting of a preliminary notice, a notice of commencement of work must be posted on the MNLR. If the general contractor or owner-builder has not posted a notice of commencement of work on the MNLR within ten days of commencement of work on the property, then the subcontractor may post a notice of commencement of work on the MNLR prior to posting the preliminary notice. In order to post a notice of commencement of work on the MNLR, the subcontractor must comply with subrule 45.4(2).

45.5(2) *Contents of preliminary notice.* The information provided by the subcontractor shall, at a minimum, include:

- a.* The name of the owner.
- b.* The MNLR number.
- c.* The name, address, and telephone number of the subcontractor furnishing the labor, service, equipment, or material.

- d.* The name and address of the person who contracted with the claimant for the furnishing of the labor, service, equipment, or material.
- e.* The name of the general contractor or owner-builder under which the claimant is performing or will perform the work.
- f.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- g.* The legal description of the property.
- h.* The date the material or materials were first furnished or the labor was first performed.
- i.* The tax parcel identification number.
- j.* The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- k.* The email address of the subcontractor or the email address of another individual or entity designated to receive electronic correspondence on behalf of the subcontractor.

45.5(3) *Preliminary notice owner notice.* At the time that a preliminary notice is posted on the MNLR, the administrator shall mail a written owner notice, as provided in paragraphs 45.4(3) “a” and 45.4(3) “b,” to the owner’s address. An owner-builder shall not receive an owner notice.

45.5(4) *Proof of service of owner notice.* The administrator shall post a proof of service on the MNLR. The subcontractor may obtain a copy by downloading the proof of service from the record of postings by MNLR number.

45.5(5) *Renewal of preliminary notice.* A preliminary notice may be renewed on the MNLR within 60 days prior to being declared inactive.

45.5(6) *Preliminary notice declared inactive.* A preliminary notice that remains posted on the MNLR two years after the date of posting shall be declared inactive by the administrator, unless renewed.

45.5(7) *Removal of inactive notice.* A preliminary notice shall be removed from the MNLR one year after being declared inactive.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23; ARC 9564C, IAB 9/17/25, effective 10/22/25]

721—45.6(572) Posting of mechanics’ lien.

45.6(1) *Posting of mechanic’s lien.* A person must post on the MNLR a verified statement of account of the demand due the person, after allowing all credits.

45.6(2) *Contents of the statement of account.* The verified statement of account provided by the person shall include:

- a.* The date when such material was first furnished or labor first performed, and the date on which the last of the material was furnished or the last of the labor was performed.
- b.* The legal description of the property to be charged with the lien.
- c.* The name and last-known mailing address of the owner of the property.
- d.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- e.* The tax parcel identification number.

45.6(3) *Mechanics’ lien owner notice.* At the time that a lien is posted on the MNLR, the administrator shall mail a copy of the lien to the owner’s address. The owner notice shall include the MNLR website address and MNLR toll-free telephone number.

45.6(4) *Identification of lien county or counties.* A lien posted to the MNLR under this rule shall be limited to the county or counties in which the building, land, or improvement to be charged with the lien is situated. The county or counties identified on the MNLR website at the time of posting the required notices in rules 721—45.4(572) and 721—45.5(572) shall be the only county or counties in which the building, land, or improvement may be charged with a mechanics’ lien.

45.6(5) *Lien information contained in posting.* The liens posted on the MNLR shall contain the following items:

- a. The name of the person by whom posted.
- b. The date and hour of posting.
- c. The amount thereof.
- d. The name of the person against whom the lien is posted.
- e. The legal description of the property to be charged.
- f. The tax parcel identification number of the property to be charged.
- g. The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.

45.6(6) *Additional information for posting of a mechanics' lien for commercial property.* The person posting the mechanics' lien for a commercial property must register as a user with the MNLR and must provide the following additional information:

- a. The name and mailing address of the owner.
- b. The name, address, and telephone number of the general contractor or owner-builder.
- c. The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- d. The email address of the person posting or submitting the mechanics' lien or the email address of another individual or entity designated to receive electronic correspondence on behalf of the person posting the lien.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.7(572) Forfeiture and cancellation of mechanics' liens.

45.7(1) *Demand for acknowledgment of satisfaction of claim.*

- a. When a mechanic's lien is satisfied by payment of the claim, the claimant may post acknowledgment of that satisfaction on the MNLR.
- b. If the claimant fails to acknowledge satisfaction by posting, the owner, general contractor or owner-builder may personally serve the claimant with a written demand that the claimant post the acknowledgment of satisfaction on the MNLR. If the claimant fails to post the acknowledgment of satisfaction within 30 days of when the demand is served, the mechanic's lien is forfeited and canceled upon the posting of a copy of the demand and the posting of endorsed proofs of service.

45.7(2) *Posting of demand to commence action to enforce the lien.* The owner may serve a written demand on the claimant demanding that the claimant commence action to enforce the lien. If the claimant fails to commence action to enforce the lien within 30 days of receipt of the written demand, the owner may post a copy of the demand to commence action and the endorsed proofs of service. Completion of these requirements provides constructive notice to all parties that the lien has been canceled.

45.7(3) *Notice to both parties.* At the time that a demand is posted on the MNLR, the administrator shall mail a date- and time-stamped copy of the demand to both parties.

[ARC 0464C, IAB 11/28/12, effective 1/2/13]

721—45.8(572) Discharge of mechanic's lien by submission of a bond.

45.8(1) *Submission or posting of a bond.* Any person may submit a bond to the administrator or post a bond to discharge a mechanic's lien. The submitter of the bond shall provide the MNLR number so that the administrator can determine to which lien to apply the bond.

45.8(2) *Acceptance of a bond.* The administrator may accept a bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties authorized to issue surety bonds in this state.

45.8(3) *Affidavit for release of bond.* Upon satisfaction or forfeiture of a mechanics' lien, the owner may release a bond submitted to discharge the lien pursuant to Iowa Code section 572.15 by submitting to the administrator an affidavit for release of bond.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.9(572) Action against general contractor or owner-builder to recover amount due.

45.9(1) *Giving of a bond.* The general contractor or owner-builder may post or submit a surety bond to the administrator for purposes of preventing exemplary damages under Iowa Code section 572.30. The bond shall be in an amount not less than the amount necessary to satisfy the nonpayment for which the notice has been given, and in a form set forth by Iowa Code section 572.30.

45.9(2) *Acceptance of a bond.* The administrator shall accept a bond in an amount and form set forth by Iowa Code section 572.30.

[ARC 0464C, IAB 11/28/12, effective 1/2/13]

721—45.10(572) Delay by administrator. Delay by the administrator beyond a time limit prescribed in these rules is excused if:

1. The delay is caused by interruption of communication or computer facilities, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the administrator.

2. The administrator exercises reasonable diligence under these circumstances.

[ARC 0464C, IAB 11/28/12, effective 1/2/13]

721—45.11(572) Nondisclosure of MNLR information. The following information, provided in compliance with this chapter, shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the administrator:

1. An email address.

2. MNLR user account or payment information.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.12(572) Obligation to update information. The administrator may use email for official correspondence with a registered user, except when law requires delivery by U.S. mail. If the registered user wants to receive timely notice by the administrator, it is the obligation of the registered user to update the user's contact information on the MNLR.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.13(572) Fees and services.

45.13(1) *Fee for posting and mailing.* The following fees shall be charged for posting on the MNLR and for the mailing of notices:

a. The fee for posting a notice of commencement of work using the website is \$7. The fee for posting a notice of commencement of work by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery, or courier delivery is \$10.

b. The fee for posting a preliminary notice on the MNLR using the website is \$7. The fee for posting a preliminary notice by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery, or courier delivery is \$10.

c. The fee for posting a mechanics' lien using the website is \$30. The fee for posting a mechanics' lien by submitting the lien to the administrator by U.S. mail is \$40.

d. The fee for mailing a copy of the demand for acknowledgment is \$5 per party's mailing address.

e. The fee for mailing a copy of the demand to commence action is \$5 per party's mailing address.

f. The fee for posting a correction statement is \$5 to mail a new owner notice.

45.13(2) *Searching the MNLR.* A search of the MNLR by index list is available at no cost via the administrator's website. Any person may search the MNLR without registering as an MNLR user. When a search of the MNLR is performed by the administrator, the following fees apply:

a. The fee for an MNLR search request is \$5. The search will only be performed if an MNLR number is provided by the requester. Other than by MNLR number, no other search will be performed by the administrator. The request may be made by verbal communication, on paper, by facsimile, or by email. The search provides the requester with a copy of the summary of postings for the provided

MNLR number and an estimate of the cost to obtain a paper copy of the documents listed on the summary of postings.

b. The fee for a paper copy of a document posted on the MNLR is:

- (1) \$1 per page, delivered by U.S. mail.
- (2) \$2 per page, delivered by facsimile machine.

Documents will not be delivered via email.

45.13(3) *Public records services.* Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following fees shall be charged for obtaining copies of MNLR documents and copies of data from the MNLR information management system, as generated and provided by the administrator, by the following methods:

a. Paper copies of individual documents. The requester must provide the MNLR document number.

(1) U.S. mail delivery — \$1 per page.

(2) Facsimile delivery — \$2 per page.

Documents will not be delivered via email.

b. Data download.

One-time full extract of data for a calendar year via download: up to \$1,000 per year. In addition to the purchase of the download, a requester for full data extract may purchase a copy of all PDF images of postings for the calendar year for 4 cents per document.

45.13(4) *Methods of payment.* Fees for posting, mailing, and searching rendered by the administrator may be paid to the administrator by the following methods:

a. Check. Checks made payable to administrator, including checks in an amount to be filled in by the administrator but not to exceed a particular amount, will be accepted for payment if they are cashier's checks or certified checks drawn on a bank acceptable to the administrator or if the drawer is acceptable to the administrator.

b. Electronic funds transfer. The administrator may accept payment via electronic funds transfer under National Automated Clearing Housing Association (NACHA) rules from persons who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

c. Accounts receivable. Payment for services shall be in accordance with rule 721—2.3(17A).

d. Credit card. The administrator may accept payments made by credit card issued by an approved credit card issuer.

45.13(5) *Receipt of required fees verified.*

a. A receipt of the required fee must be verified by the administrator to post to the MNLR. The administrator may reject a submission or posting; or post a withdrawal statement on the MNLR if the administrator is notified of insufficient funds, a disputed credit card charge, or other failure. A posting rejected for insufficient funds shall be identified as such by the administrator on the MNLR. If a posting is withdrawn by the administrator for failure to pay the required fee, the MNLR document number will be unavailable to select for posting a mechanic's lien; the original posting with funds verified may be reposted by the MNLR user.

b. In order for the administrator to provide a requested copy of an MNLR search or public record, receipt of the required fee must be verified by the administrator.

45.13(6) *Overpayment and underpayment policies.*

a. The administrator shall refund the amount of an overpayment exceeding \$15, less the administrative cost of processing a refund.

b. Upon receipt of a submission with an insufficient fee, the administrator shall return the document as provided in rule 721—45.14(572). A refund of partial payment may be included with the document or delivered under separate cover.

721—45.14(572) Grounds for refusal of a posting or submission. A posting or submission may be refused by the administrator on the following grounds:

1. A posting or submission does not provide complete information as required under subrule 45.4(2) for a notice of commencement of work, subrule 45.5(2) for a preliminary notice, subrules 45.6(2) and 45.6(5) for a mechanic's lien, or subrules 45.6(2), 45.6(5) and 45.6(6) for a mechanic's lien for a commercial property;
2. A submission does not include an MNLR number, except for a submission for which the form provided by the administrator does not require an MNLR number;
3. The required fee is not paid for a submission or posting or the fee paid for the submission or posting is insufficient;
4. A submission is not on a form provided by the administrator for the purpose of performing the requested posting; or
5. A submission is not legible, as determined by the administrator.

Additional grounds for the administrator's refusal to accept an MNLR document for posting may be established by policy. The policy shall be noticed to the public by the posting of the policy on the MNLR website.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.15(572) Posting of a filing office statement, correction statement, or withdrawal statement.

45.15(1) *Filing office statement.* The administrator may post a filing office statement to correct information that was incorrectly transcribed from a paper submission.

45.15(2) *Correction statement.* A correction statement for a commencement of work or a preliminary notice is an electronic posting by a registered MNLR user. A correction statement does not allow for a change in the county or counties where the building, land or improvement to be charged with the lien is situated; in the date of the commencement of work; or in the date that material was first furnished or labor was first performed by the subcontractor.

45.15(3) *Withdrawal statement.*

a. A withdrawal statement of an original posting of a notice or lien shall be made by the general contractor, owner-builder, or subcontractor, or party authorized on behalf of the original party, who originally posted the record on the MNLR. The MNLR number is required at the time the withdrawal statement is posted to identify the posting to be withdrawn.

b. A withdrawal statement of an original posting of a notice, lien or other document may be made by the administrator as provided in subrule 45.13(5).

45.15(4) *Notice of filing office statement, correction statement, or withdrawal statement to registered users.* At the time of the posting of a filing office statement, a correction statement, or a withdrawal statement, a notice will be sent by email to all registered users, except the administrator, who have posted to the MNLR number.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.16(572) Assignment of date and time stamp and MNLR number.

45.16(1) *Method and time of posting.*

a. For a notice of commencement of work or preliminary notice, the posting shall be date- and time-stamped as follows:

(1) If posted electronically on the MNLR, the time of posting shall be upon posting of all required information and payment of the required fees.

(2) If the required information and fee are submitted by U.S. mail or facsimile transmission to the filing office, the administrator shall post to the MNLR within three business days of receipt.

(3) If the required information and fee are submitted by personal delivery or courier delivery to the filing office's street address, the administrator shall post to the MNLR within three business days of receipt.

b. For a mechanic's lien, demand for acknowledgement of satisfaction of claim, demand to commence action to enforce the lien, bond to discharge a mechanic's lien, or bond to prevent exemplary damages, the posting will be date- and time-stamped as follows:

(1) If posted electronically on the MNLR, the time of posting shall be upon submission of all required information and payment of the required fees.

(2) If the required information and fee are submitted by U.S. mail to the filing office, the administrator shall post to the MNLR within three business days of receipt.

c. For a filing office statement, a correction statement, or a withdrawal statement, the posting shall be date- and time-stamped at the time the statement is posted electronically on the MNLR by the registered MNLR user.

45.16(2) *Assignment of an MNLR number.* The administrator shall assign an MNLR number at the time that a notice of commencement of work or a mechanic's lien on a commercial property is posted on the MNLR.

[ARC 0464C, IAB 11/28/12, effective 1/2/13; ARC 7059C, IAB 8/23/23, effective 9/27/23]

721—45.17(572) Penalties. Submission of fictitious, forged, or false information to the MNLR by a general contractor, owner-builder or subcontractor is a civil offense punishable by a civil penalty of not more than \$750 for each violation or, if the infraction is a repeat offense, a civil penalty not to exceed \$1,000 for each repeat offense.

[ARC 0464C, IAB 11/28/12, effective 1/2/13]

721—45.18(572) Preservation and access by the public. This rule relates to the maintenance of archives and the ability of those archives to be searched.

45.18(1) *Paper documents.* Paper documents are scanned into the MNLR. The paper submission is returned to the submitter.

45.18(2) *Archives—data retention.*

a. The MNLR information management system is backed up to magnetic tape every business day.

b. Data in the MNLR information management system is retained for 15 years from the date of commencement of work.

c. Archival searches may be available through arrangements with the administrator in the administrator's sole discretion.

[ARC 0464C, IAB 11/28/12, effective 1/2/13]

These rules are intended to implement Iowa Code chapter 572.

[Filed ARC 0464C (Notice ARC 0339C, IAB 9/19/12), IAB 11/28/12, effective 1/2/13]

[Filed ARC 7059C (Notice ARC 6886C, IAB 2/8/23), IAB 8/23/23, effective 9/27/23]

[Filed ARC 9564C (Amended Notice ARC 9394C, IAB 7/9/25; Notice ARC 9290C, IAB 5/28/25),
IAB 9/17/25, effective 10/22/25]

WORKFORCE DEVELOPMENT DEPARTMENT[871]

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345]
under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]
[Prior to 3/12/97, see Job Service Division[345],
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CHAPTER 62
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[Prior to 1/14/87; Iowa Development Commission[520] Ch 5]

[Prior to 10/18/23, see Economic Development Authority[261] Ch 5]

[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 16]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—62.1(15,260E) Authority. The authority for rules governing the development of training projects under the Iowa industrial new jobs training Act and the operation of the program is provided in Iowa Code section 260E.7.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.2(15,260E) Purpose. The purpose of the Act is to provide training for employees in new jobs with industries locating or expanding operations in Iowa and an incentive to industries considering locating or expanding operations in Iowa. The goal of the training should be skill development and enhancement for Iowa's workforce. Iowa workforce development is required to coordinate the training programs described in the Act.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.3(15,260E) Definitions.

"Act" means Iowa Code chapter 260E.

"Agreement" means an agreement between an employer and a community college concerning a project and includes any written agreement, or amendment thereto, whether deemed by the parties to be preliminary or final.

"Base year" means, for the purpose of determining incremental property tax available to fund in part the jobs training agreement, the assessment rolls as of January 1 of the year preceding the first written agreement filed with the county assessor where the property is located or such other valuation as may be determined by the appropriate assessor as provided in Iowa Code section 403.19(1) "c."

"Department" means Iowa workforce development.

"Expanding industry" means an industry that will require the addition of new jobs that did not exist in that industry in Iowa prior to the signing of an agreement for training and that exceeds the level of employment in that industry six months prior to the date of the agreement.

"Formerly existing jobs" means jobs that were part of the payroll of the industry within the state any of the time during the six months prior to the signing of an agreement for training. Jobs that formerly existed do not qualify for training under the provisions of Iowa Code section 260E.2(15).

"Industry" means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes solely retail, health, or professional services. An industry is a business engaged in activities described as eligible in the Act rather than the generic definition encompassing all businesses in the state doing the same activities. An industry is considered to be a single, corporate entity or operating subdivision. An industry that closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state is not eligible for a project. This definition does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

"New industry" means an industry that has not done business in Iowa or an existing industry implementing a new process and product used or produced for the first time in Iowa, which results in the creation of new jobs not previously available in that industry in the state.

"New job" means a job in a new or expanding industry but does not include jobs of recalled workers or replacement jobs or other jobs that formerly existed in the industry in the state of Iowa. A new job is defined in the Act, except that an industry in violation of state or federal labor laws or involved in a lockout or strike in Iowa will not be eligible for a training program under the Act.

“*New jobs training program*” or “*program*” means the project or projects established by a community college for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the community college. The proceeds of the certificates, as authorized by the Act, will be used only to fund program services related to training programs made necessary by the creation of new jobs.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.4(15,260E) Agreements.

62.4(1) Notification. The community college will notify the department of all agreements deemed to be final and ready for project funding by entering data and uploading required documentation identified by the department into the 260E Data System within 30 days of execution by all parties. The corresponding official statement will be uploaded by the community college when it is completed. The notice of final agreement will provide all pertinent training services and financial details in the manner determined by the department. The notice will be signed by the community college officials authorized by the college. All written agreements will also be reported and verified through updates by the college, provided in a time frame specified by the department, in the same manner that the annual report is provided to the department. Except where otherwise prescribed in these rules, the department, in conjunction with the community colleges, will develop a format and timetable for reporting relevant information to the department. Such reporting will include but will not be limited to information and official statements with respect to all final agreements and related certificate sales, information regarding college procedures for training agreement review and training project monitoring, and documentation of identified events of default, remedies and repayment policies.

62.4(2) Additional agreement items. In addition to the provisions of an agreement described in Iowa Code section 260E.3(1) through 260E.3(5), the agreement will include the following items:

- a. The length of time each new job category will be provided on-the-job training.
- b. The completion date of all other training.
- c. If the supplemental new jobs credit is to be utilized as authorized in Iowa Code section 256.7(14), the agreement must be signed by the business(es), the community college, and the department of revenue for the use of an additional 1.5 percent withholding to educate and train new employees.

62.4(3) Compliance with department of revenue requirements. When an agreement for training is deemed final and ready for project funding, the community college will notify the department of revenue within 30 days of the date of execution of the agreement. Notification will be in writing on forms and in the manner determined by the department and is considered complete when entries have been saved in the data system.

If, at any time after notification, the estimates are revised, or if changes are made in the agreement that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

62.4(4) Allowable cost. A community college may be reimbursed from certificate proceeds for reasonable administrative costs and legal fees incurred prior to the date of the preliminary agreement. Training costs incurred prior to the date of the preliminary agreement are not reimbursable.

62.4(5) Cost standards. The standard vocational preparation guide, as provided in the Dictionary of Occupational Titles for determining classification of jobs and the length of allowable training periods, may be used by a community college in estimating the cost of on-the-job training. Where these standards are not appropriate, reasonable time periods for on-the-job training will be based on the standard vocational preparation guide for similar classifications. Reimbursement of a new employee’s wages for on-the-job training will not exceed 50 percent of the new employee’s annual gross payroll costs. The maximum project total for on-the-job training will not exceed 50 percent of the total available training proceeds.

62.4(6) *Indirect cost rate.* The community colleges may be reimbursed indirect costs at the rate to be determined annually. The indirect cost rate and procedures will be communicated to the community colleges by the department. The rate will be based on function five and nine expenditures of the Iowa area community college uniform accounting system. The indirect cost rate will be applied against the total issuance. Acceptable accounting procedures, as determined by the community college with the department and the state auditor, will be followed in claiming indirect costs.

62.4(7) *Equipment.* Equipment required for training will be an allowable provision in a training project as described in Iowa Code chapter 260E. The cost of equipment used in training will be prorated to the project in that proportion chargeable to the training program, and the remainder of the cost of such equipment will be the responsibility of the employer. Proceeds of the certificates will not be used directly or indirectly to finance land, facilities or depreciable property to be owned by the employer or other private person.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.5(15,260E) Resolution on incremental property tax.

62.5(1) A copy of the resolution by the board of directors of the community college, as described in Iowa Code section 260E.4, will be forwarded to the county auditor(s) affected by it within the merged area.

62.5(2) A community college board of directors anticipating the use of the incremental property tax as a source of funding for an eligible training program is referred to in Iowa Code sections 403.19 and 403.21 and will follow procedures as described therein as provided in Iowa Code section 260E.4.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.6(15,260E) New jobs withholding credit.

62.6(1) *Notification of payments and claims for credit.* Withholding credit for payments to community colleges will be claimed by an employer on the semimonthly, monthly, or quarterly deposit forms during the calendar quarter in which payment is made to a community college. No credit may be claimed until the payment has been made to a community college. The community college will notify the department of revenue by making applicable entries in the 260E Data System within 30 days following the end of a calendar quarter of payments covering withholding credits that have been received for the quarter. If a credit is claimed by an employer and payment is not made to the community college, the amount of credit will be considered to be a delinquent withholding liability and will be subject to assessment of tax, penalty, and interest according to the provisions of Iowa Code section 422.16(10).

62.6(2) *Notification of termination of credit.* Community colleges will notify in writing the department of revenue and the department within 30 days when it is determined that payments for job training withholding credits will no longer be applied against the costs of a project. At project completion, any excess payments for job training withholding credits received by the community college will be forwarded to the department of revenue.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.7(15,260E) Notice of intent to issue certificates. The notice of intent to issue certificates as provided in Iowa Code section 260E.6(5) will be published by the community college in a legal newspaper in the merged area. The application for an allocation of Iowa industrial new jobs training certificates should be submitted to the department, in the format determined by the department and by an official of the community college or by an attorney or agent of the community college, prior to the issuance of certificates for that portion of the issuance that is tax-exempt. Notice of issuance of certificates should be filed with the department within ten days of the issuance and delivery of certificates.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.8(15,260E) Standby property tax levy. A standby property tax levy may be collected at any time other funds are insufficient as provided in Iowa Code section 260E.6(4). The county auditor will be notified by the community college board of directors on an annual basis to adjust the annual standby tax.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.9(15,260E) Reporting. An annual report will be completed by the community college on or before September 15. The format and content will be determined by the department. The report will include training dollar expenditures and names of the providers of the training conducted, the number of pledged new job employees filled, provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.10(15,260E) Monitoring.

62.10(1) Monitoring system. Each community college will establish a monitoring system that includes, at a minimum, a review of the business's compliance with the Act, these rules and the training agreement.

62.10(2) Annual review. Monitoring will be conducted by the community colleges at least annually.

62.10(3) Documentation. Each community college will document its monitoring efforts and promptly notify the department, on the forms provided, whenever it identifies an event of default.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.11(15,260E) State administration. The community colleges will submit 1 percent of the gross sale of certificates within 30 days of receipt of proceeds from a sale of certificates to the department to defray administrative costs.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.12(15,260E) Coordination with communities. The community colleges will follow the provisions of Iowa Code section 403.21.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

871—62.13(15,76GA,SF2351) Supplemental 1.5 percent withholding. For the purposes of determining new jobs training programs established under Iowa Code section 260J.1 eligible to receive a supplemental new jobs credit of 1.5 percent of gross wages from withholding, the following criteria will be met:

62.13(1) Only those new jobs training programs established by a 260E final agreement, approved by the community college board of directors after June 30, 1996, and that include a provision for a supplemental new jobs credit from withholding from jobs created under the agreement are eligible for the supplemental credit.

62.13(2) The department will make available to the community colleges the applicable laborshed wages at the beginning of each state fiscal year for use in determining supplemental withholding credit eligibility for that fiscal year.

62.13(3) For the purposes of determining eligibility for the supplemental credit, starting wages for a new job will be determined on a one-time basis by the community college as follows:

a. The employer will agree, as a part of the final agreement, to pay starting wages that are equal to or greater than the laborshed wages.

b. Only those individual jobs for which the starting wage is equal to or greater than the laborshed wages are eligible for the supplemental new jobs credit from withholding.

c. For purposes of comparing starting wages to the laborshed wages, the community college will reduce the annual gross wages to be paid for the job to an hourly wage based upon a 40-hour workweek.

d. Such determination by the community college will be conclusive and the individual job will thereafter be eligible and may be used for the supplemental credit from withholding to fund the supplemental project under the agreement.

e. Future annual changes in laborshed wages will not affect the eligibility of those jobs that have been determined by the community college to be eligible at the time of final agreement for a project.

62.13(4) The community college may require the employer to supply appropriate payroll records and projections to verify eligibility of the supplemental credit.

This rule is intended to implement the provisions of 1996 Iowa Acts, Senate File 2351, section 8, effective July 1, 1996, and does not affect agreements that do not contain a provision for a supplemental new jobs credit from withholding.

[ARC 9565C, IAB 9/17/25, effective 10/22/25]

These rules are intended to implement Iowa Code chapter 260E and Iowa Code chapter 403 as it relates to Iowa Code chapter 260E.

[Filed emergency 8/9/83—published 8/31/83, effective 8/9/83]

[Filed 11/18/83, Notice 8/31/83—published 12/7/83, effective 1/11/84]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

[Filed 8/14/87, Notice 7/1/87—published 9/9/87, effective 10/14/87¹]

[Filed emergency 2/25/88—published 3/23/88, effective 2/25/88]

[Filed 3/16/95, Notice 12/7/94—published 4/12/95, effective 5/17/95]

[Filed emergency 6/28/96—published 7/17/96, effective 7/1/96]

[Filed 9/20/96, Notice 7/17/96—published 10/9/96, effective 11/13/96]

[Filed 7/24/97, Notice 2/12/97—published 8/13/97, effective 9/17/97]

[Filed ARC 3383C (Notice ARC 2995C, IAB 3/29/17), IAB 10/11/17, effective 11/15/17]

[Editorial change: IAC Supplement 10/18/23]

[Editorial change: IAC Supplement 5/14/25]

[Filed ARC 9565C (Notice ARC 9427C, IAB 7/23/25), IAB 9/17/25, effective 10/22/25]

¹ Effective date (10/14/87) delayed until adjournment of the 1988 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its October 1987 meeting.

CHAPTER 63

IOWA JOBS TRAINING PROGRAM

[Prior to 1/14/87 Iowa Development Commission(520), Ch 7]

[Prior to 7/8/92, see 261—Chs 6 and 7]

[Prior to 10/18/23, see Economic Development Authority[261] Ch 7]

[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 17]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—63.1(260F) Authority. The authority for establishing rules governing the development of training projects under the Iowa jobs training Act is provided in Iowa Code chapter 260F.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.2(260F) Purpose. The purpose of the Act is to foster the growth and competitiveness of Iowa's workforce and industry by ensuring that Iowa's workforce has the skills and expertise to compete with any workforce outside the state of Iowa.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.3(260F) Definitions.

"Act" means Iowa Code chapter 260F.

"Certification" means the community college and business agree that the information contained in the application is accurate. The certification also gives the department permission to research the history of the business and perform other related activities necessary for the evaluation of the application.

"Community college consortium" means two or more businesses located in the same community college district that share a common training need.

"Department" or *"Iowa workforce development"* means the department of workforce development created in Iowa Code section 84A.1.

"Eligible business" or *"business"* means a business training employees that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, warehousing or wholesaling products, conducting research and development, or providing services in interstate commerce but excludes solely retail, health, or professional services and that meets the other criteria established by the department. A business engaged in the provision of services must have customers outside of Iowa to be eligible. The business site to receive training must be located in Iowa. "Eligible business" does not include a business whose training costs can be economically funded under Iowa Code chapter 260E, a business that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state, or a business that is involved in a strike, lockout, or other labor dispute in Iowa. If a business closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state, then the business is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

"Employee" means a person currently employed by a business who is to be trained. An employee for whom training is planned must hold a current position intended by the employer to exist on an ongoing basis with no planned termination date. Training is available only to an employee who is hired by the business, who is currently employed by the business, and for whom the business pays withholding tax. However, "employee" does not include a person with executive responsibilities, a replacement worker who is hired as a result of a strike, lockout, or other labor dispute in Iowa, or an employee hired as a temporary worker. "Employee" does include a person with executive responsibilities if such person works in both an executive- and employee-based capacity for a small business with a total labor force of fewer than 50 persons.

"Program services" includes but is not limited to the following:

1. Training of employees;

2. Adult basic education and job-related instruction;
3. Career and technical skill assessment services and testing;
4. Training facilities, equipment, materials, and supplies;
5. Administrative expenses for the jobs training program;
6. Subcontracted services with institutions governed by the state board of regents, private colleges or universities, or other federal, state, or local agencies;
7. Contracted or professional services;
8. Training-related travel and meals.

“Project” means a training arrangement that is the subject of an agreement entered into between a community college and an eligible business to provide program services.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.4(260F) Program funding.

63.4(1) Program funds consist of any moneys allocated by the department for the purpose of this program, all repayments of loans or other awards or recaptures of awards, and earned interest, including interest earned on program funds held by the community colleges.

63.4(2) A community college 260F account is established in the department. The allocation of funds in this account to the community colleges will be determined using the distribution formula established in Iowa Code section 260C.18C.

63.4(3) Any unexpended or uncommitted funds remaining in the community college 260F account on May 1 of the fiscal year will revert to a general account to be available on a first-come, first-served basis, based on the date an application is received by the department.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.5(260F) Funding for projects that include one business.

63.5(1) The maximum award that may be approved for each project at a business site is \$50,000 in a fiscal year.

63.5(2) A business site may be approved for multiple projects, but the total of the awards for two or more projects will not exceed \$100,000 within a three-year period. The three-year period will begin with the department approval date of the first project approved within the three-year period.

63.5(3) Awards will be made in the form of forgivable loans.

63.5(4) Financial assistance awarded to a project must be based on the actual cost of allowable services as identified in rule 871—63.9(260F).

63.5(5) Funds requested must be commensurate with training needs. Program funds shall not be used to provide cash flow to a business.

63.5(6) Community colleges issue the proceeds of an award to a business on a reimbursement basis or directly pay for training expenses from the college-administered separate program account.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.6(260F) Funding for projects that include multiple businesses.

63.6(1) A community college consortium of two or more businesses as defined in rule 871—63.3(260F) is eligible for a maximum award of \$100,000 per training project.

63.6(2) Participation in a community college consortium does not affect a business site's financial eligibility for individual project assistance.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.7 and 63.8 Reserved.

871—63.9(260F) Use of program funds.

63.9(1) The following costs associated with the administration of any project are eligible for program funding:

a. Community college administrative costs associated with the development and operation of a project, not to exceed 15 percent of the project cost.

b. Legal fees.

63.9(2) The costs associated with the provision of program services for any project are eligible for program funding.

63.9(3) Reimbursement of employee wages while the employee is in training is not allowed.

63.9(4) Production equipment, when used for training, may be an allowable cost. The cost of equipment used in training but subsequently used in production will be prorated, as identified in rule 871—64.12(15,76GA,ch1180), with the percentage of “used in production” cost paid by the business.

63.9(5) A community college may use funds awarded to a project to cover reasonable administrative costs and legal fees for that project.

63.9(6) A community college may not use funds from one project’s program award to cover any costs incurred by another project.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.10(260F) Use of 260F earned interest.

63.10(1) The community college is authorized to use interest earned on program funds to pay administrative costs incurred as a result of administering the program. Administrative costs include all costs incurred from the time the application process commences minus any costs covered by application fees paid by applicants.

63.10(2) Earned interest that has not been spent by the end of any state fiscal year will be refunded to the department within ten days of the end of the state fiscal year. The community college may designate and carry forward specified interest funds, as permitted by these rules, for identified payments that will occur during the next state fiscal year.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.11 Reserved.

871—63.12(260F) Separate account. The community college will establish a separate program account to document all program transactions and from which repayments for loans will be made to the department.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.13 to 63.17 Reserved.

871—63.18(260F) Agreement of intent.

63.18(1) An agreement of intent allows training to start on a specific date.

63.18(2) A community college and a business sponsor may but are not required to enter into a letter of intent.

63.18(3) A community college and a business that enter into an agreement of intent will use Agreement of Intent, Form 260F-2.

63.18(4) An agreement of intent will remain in effect for a maximum of one calendar year from the date of the letter. An agreement of intent for one project does not establish the commencement date for subsequent projects.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.19(260F) Project commencement date. The earliest date on which program funds may be used to pay training expenses incurred by the project is the effective date of the agreement of intent or the date the application is received by the department, whichever is first.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.20(260F) Application process.

63.20(1) An application for training assistance must be submitted to the department by a community college on behalf of a business. An application will not be accepted by the department if submitted directly by a business.

63.20(2) Community colleges use Application for Assistance, available in the 260F data system, to apply for 260F business assistance.

63.20(3) Required contents of the application will be described in the application package.

63.20(4) Applications must be submitted via the 260F data system to the department.

63.20(5) The department will score applications according to the criteria specified in rule 871—63.21(260F).

63.20(6) To be funded, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified elsewhere in these rules.

63.20(7) The department may approve, reject, or defer an application.

63.20(8) The department reserves the right to require additional information from the business.

63.20(9) Application approval is contingent on the availability of funds. The department will reject or defer an application if funds are not available.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.21(260F) Application scoring criteria.

63.21(1) The criteria used for scoring 260F business or consortium applications and the points for each criteria are as follows:

- a.* The business has a plan for future potential growth and product diversification. 10 points.
- b.* The majority of the business's employees are permanent full-time. 10 points.
- c.* Average wages for employees are at or above the laborshed wages for the business's location. 10 points.
- d.* The business provides a cash match of 25 percent or greater. 10 points.
- e.* The application explains why the business needs the training identified in the training plan. 10 points.
- f.* The application explains how the training will contribute to the continued existence of the business. 10 points.
- g.* The application identifies which skills the employees will acquire from the training and how the skills will increase the employees' marketability. 5 points.
- h.* The average cost of training per employee is comparable to the cost of training at Iowa community colleges or universities. 5 points.
- i.* The application documents that all considerations, including funding required to begin the training project, have been addressed. 5 points.
- j.* The employer provides health insurance and at least one other employee benefit. 5 points.
- k.* Employee skills, knowledge, and abilities will be improved as a result of this training. 10 points.
- l.* The business's competitive stance will be improved as a result of this training. 10 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria.

63.21(2) The criteria used for scoring a college business consortium and the points for each criterion are as follows:

- a.* The training will have a positive impact on the skills, knowledge and abilities of trainees. 29 points.
- b.* The training will help improve the competitive stance of participating businesses or the industry for which training is being provided. 28 points.
- c.* The training will result in economic benefits for the state. 28 points.

d. The average of the average wage rates for the businesses participating in the project is above the state average wage rate, which will be computed using the current county average wage rates. 10 points.

e. The project cost of training per employee does not exceed comparable costs for training at a state of Iowa community college or university. 5 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.22(260F) Training agreement.

63.22(1) A community college will enter into a training agreement with the business(es), lead business, or lead organization within 90 days of written notice of application approval from the department, using Training Agreement, Form 260F-4, for 260F business-driven projects.

63.22(2) A business will not modify any provision of the agreement without the written approval of the community college.

63.22(3) The community college, with the written consent of the business, has the authority to modify all provisions of the agreement except for 260F business, business network and consortium project modifications that result in a reduction of the number of employees to be trained or that significantly change the training program.

63.22(4) The community college and the business are authorized to change the ending date of training, training provider, or other minor modifications to the training program. All modifications must be uploaded to the 260F data system prior to the ending date of training. If the modification authorizes a change of the ending date of training, the modification must be uploaded to the 260F data system prior to the original ending date of training. For example, if a training agreement specifies an ending date of training of December 31, 2018, and a community college and business agree to extend the ending date of training to December 31, 2019, then the modification must be uploaded prior to December 31, 2018.

63.22(5) Modifications of 260F business and consortium projects that result in a reduction of the number of employees to be trained or change the training program content must be approved by the department, community college, and business.

63.22(6) The agreement will not be modified in any way that would result in a violation of Iowa Code chapter 260F.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.23(260F) Special requirements for community college consortium projects.

63.23(1) The community college will submit the Consortium Application for Assistance, available on the 260F data system, to the department for project approval.

63.23(2) The community college will enter into a training agreement with the consortium within 90 days of written notice of application approval from the department, using Consortium Training Agreement, Form 260F-4A.

63.23(3) All default provisions specified in rule 871—63.30(260F) apply to consortium projects.

63.23(4) In the event of a default, a financial penalty may be assigned by the department to the consortium business or businesses identified by the community college as being responsible for the default.

63.23(5) Each business that participates in the consortium will complete a Final Performance Report, Form 260F-5, at the completion of training as a condition of the loan being forgiven.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.24(260F) Events of default.

63.24(1) A business that fails to complete the training project within the agreed period of time as specified in the training agreement will be required to repay 20 percent of total project funds expended by the community college and the business.

63.24(2) A business that fails to train the agreed number of employees as specified in the training agreement will be required to repay a proportionate amount of total project funds expended by the community college and the business. The proportion will be based on the number of employees who have not been trained compared to the number of employees who have been trained.

63.24(3) If both events in subrules 63.24(1) and 63.24(2) occur, both penalties apply.

63.24(4) A business that fails to comply with any requirements contained in the training agreement will be sent written notice by the community college that specifies the issue(s) of noncompliance, and the business will be allowed 20 days from the date notice is sent to effect a cure. If noncompliance is of such a nature that a cure cannot be reasonably accomplished within 20 days, the community college has the discretion to extend the period of cure to a maximum of 60 days.

63.24(5) A business ceases or announces the cessation of operations at the project site prior to completion of the training program.

63.24(6) A business directly or indirectly makes any false or misleading representations or warranties in the program application or training agreement, reports, or any other documents that are provided to the community college or the department.

63.24(7) A business acts in any manner contrary to, or fails to act in accordance with, any provision of the training contract.

63.24(8) A business takes corporate action to effect any of the preceding conditions of default.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.25(260F) Options and procedures on default.

63.25(1) The community college will notify the department whenever the community college determines that an event of default has occurred or is likely to occur.

63.25(2) The community college will document its efforts to reconcile the condition(s) responsible for the default and will provide the department with copies of all related correspondence and documents of the community college and the business.

63.25(3) The community college will notify the department when it has determined that an event of default cannot be cured.

63.25(4) When notice of failure to cure the default is received from the community college, the department will communicate with the business, in writing, in an attempt to resolve the default.

63.25(5) When the department's efforts to reconcile are successful, the department will notify the community college, in writing, to continue project operations. Continuation of project operations may be subject to new conditions imposed by the department as part of the reconciliation.

63.25(6) When the department's efforts to reconcile are unsuccessful and upon the department's request, the community college will assign the agreement to the department for appropriate proceedings at which time the department will institute collection procedures or notify the attorney general to initiate appropriate legal actions.

63.25(7) When a community college assigns an agreement to the department for a project declared to be in default, the community college will return all remaining 260F funds to the department within 45 days of assignment.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.26(260F) Remedies upon default.

63.26(1) When a community college determines that a business is in default, and the default has not been cured within the time period stated in the contract, the community college is authorized to withhold training funds and payments to the business without notice to the business.

63.26(2) The attorney general may take whatever action at law or in equity as necessary and desirable to satisfy the default.

63.26(3) No demand of amount due, from the community college to the business written or otherwise, is required to establish the business's financial liability.

63.26(4) No remedy conferred upon or reserved to the community college, the department, or the attorney general by the Act, these rules, or the training agreement is intended to be exclusive of any other current or future remedies existing in law, in equity, or by statute.

63.26(5) Any delay or omission by the community college, the department, or the attorney general to exercise any right or power prescribed by the Act, these rules, or the training agreement does not relinquish or diminish the department to act and does not constitute a waiver of default status. Any such right or power may be exercised at any time required and as often as may be deemed expedient.

63.26(6) Unless required by these rules, neither the community college, department, nor attorney general is required to provide written or other notice to the business regarding any circumstance related to and including a declaration of an event of default.

63.26(7) In the event any requirement of the Act, these rules, or the training agreement, relating to a default, should be breached by either party and then waived by the other party, such waiver will be limited to the specific breach being waived and will have no bearing on any subsequent breach.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.27(260F) Return of unused funds. The community college will return all unused funds to the department within 45 days of project completion or within 45 days after being notified by the department that a project is in default.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.28(260F) Open records. Information submitted to the department is subject to Iowa Code chapter 22, the public records law. Applications for training funds submitted to the department are available for public examination. If a business provides information that the business believes contains trade secrets recognized and protected as such by law, or the release of which would give an advantage to competitors and serves no public purpose or which meets other provisions for confidential treatment as authorized in Iowa Code section 22.7, and establishes that such information is subject to confidential treatment under Iowa Code section 22.7 or as otherwise provided for by law, then such information shall be kept confidential. Rule 261—195.5(22,84A) describes how a person may request a record to be treated as confidential and withheld from public examination. Businesses requesting confidential treatment of certain information submitted to the department will follow the procedures described in rule 871—3.5(22,84A). The department will process such requests as outlined in rule 871—3.5(22,84A).

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

871—63.29(260F) Required forms. The community college is required to complete and upload the following forms, as applicable, within the 260F data system:

1. General Application for Assistance, Form 260F-1;
2. Consortium Application for Assistance, Form 260F-1A;
3. Agreement of Intent, Form 260F-2;
4. Request for Release of Funds, Form 260F-3;
5. Training Agreement, Form 260F-4;
6. Consortium Training Agreement, Form 260F-4A;
7. Performance Report, Form 260F-5;
8. Notice of Possible Default, Form 260F-6;
9. Declaration of Default, Form 260F-7;
10. College and Business Certification, 260F-8;
11. Environmental Quality Form, to include a Solid Waste Plan and Hazardous Waste Plan (if applicable), Form 260F-9.

[ARC 9566C, IAB 9/17/25, effective 10/22/25]

These rules are intended to implement Iowa Code chapter 260F.

[Filed emergency 7/26/85—published 8/14/85, effective 7/26/85]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]
[Filed 9/30/88, Notice 7/27/88—published 10/19/88, effective 11/23/88]
[Filed 11/22/89, Notice 10/18/89—published 12/13/89, effective 1/17/90]
[Filed 11/20/90, Notice 9/5/90—published 12/12/90, effective 1/16/91]
[Filed 12/21/90, Notice 10/17/90—published 1/9/91, effective 2/13/91]
[Filed emergency 6/21/91 after Notice 4/17/91—published 7/10/91, effective 6/21/91]
[Filed emergency 6/19/92—published 7/8/92, effective 7/1/92]
[Filed 9/23/92, Notice 7/8/92—published 10/14/92, effective 11/18/92]
[Filed 1/24/96, Notice 12/6/95—published 2/14/96, effective 3/20/96]
[Filed emergency 6/28/96—published 7/17/96, effective 7/1/96]
[Filed 9/20/96, Notice 7/17/96—published 10/9/96, effective 11/13/96]
[Filed emergency 10/23/97 after Notice 9/10/97—published 11/19/97, effective 10/24/97]
[Filed emergency 10/22/01 after Notice 9/5/01—published 11/14/01, effective 10/22/01]
[Filed emergency 11/20/03 after Notice 9/17/03—published 12/24/03, effective 11/20/03]
[Filed emergency 7/7/05—published 8/3/05, effective 7/7/05]
[Filed 10/21/05, Notice 8/3/05—published 11/9/05, effective 12/14/05]
[Filed ARC 3383C (Notice ARC 2995C, IAB 3/29/17), IAB 10/11/17, effective 11/15/17]
[Filed ARC 3463C (Notice ARC 3268C, IAB 8/30/17), IAB 11/22/17, effective 12/27/17]
[Filed ARC 6319C (Notice ARC 6202C, IAB 2/23/22), IAB 5/18/22, effective 6/22/22]
[Filed ARC 7067C (Notice ARC 6916C, IAB 2/22/23), IAB 9/6/23, effective 10/11/23]
[Editorial change: IAC Supplement 10/18/23]
[Editorial change: IAC Supplement 5/14/25]
[Filed ARC 9566C (Notice ARC 9428C, IAB 7/23/25), IAB 9/17/25, effective 10/22/25]

CHAPTER 68
ACCELERATED CAREER EDUCATION (ACE) PROGRAM

[Prior to 11/1/23, see Economic Development Authority[261] Ch 20]

[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 22]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—68.1(260G) Purpose. The ACE program is designed to provide businesses with an enhanced skilled workforce in Iowa. The program assists Iowa's community colleges in establishing or expanding programs that train individuals in the occupations most needed by Iowa businesses.

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

871—68.2(260G) Definitions.

"260G data system" means the data system established by the department to record and submit data, upload documentation, and track programs and agreements.

"Accelerated career education program" or *"ACE program"* means the program established pursuant to Iowa Code chapter 260G and administered by the department.

"Allotment" means the distribution of program job credits among the community colleges in accordance with Iowa Code section 260C.18C.

"Community college board" means the governing board of a merged area as defined in Iowa Code section 260C.11.

"Department" means Iowa workforce development created in Iowa Code section 84A.1.

"Program" means a program of instruction designed by a community college that has been designated by a community college board and approved by the department as meeting the requirements of Iowa Code section 260G.4.

"Program agreement" means an agreement between an employer and a community college as described in Iowa Code section 260G.3.

"Program job credit" means a credit that an employer may claim against all withholding taxes due in an amount up to 10 percent of the gross program job wage of a program job position as authorized in an agreement between a community college and an employer.

"Program services" means services that include all of the following provided they are pursuant to a program agreement: program needs assessment and development, job task analysis, curriculum development and revision, instruction, instructional materials and supplies, computer software and upgrades, instructional support, administrative and student services, related school to career training programs, skill or career interest assessment services and testing and contracted services.

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

871—68.3(260G) Program eligibility and designation.

68.3(1) In order to receive an allotment of program job credits, a community college must designate an eligible program. All programs must demonstrate increased capacity to enroll additional students. To be eligible, a program must be either:

a. A credit career or technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree; or

b. A credit-equivalent career or technical education program consisting of not less than 540 contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential.

68.3(2) A community college board will designate and approve an eligible program by resolution. The community college board of directors will ensure compliance with Iowa Code chapter 260G.

68.3(3) The department will review and approve all program designations and maintain a record of all approved programs.

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

871—68.4(260G) Funding allocation.

68.4(1) *Base allocation.* The department will allocate the total amount of program job credits authorized and available to each community college for each fiscal year based on the formula established in Iowa Code section 260C.18C. For purposes of such allocation, the applicable ratios will be applied to commitments made by community colleges at the beginning of each fiscal year.

68.4(2) *Allotment of uncommitted funds.* Each community college will commit its allotment of program job credits as of April 1 of each fiscal year. Program job credits are considered committed if there is an executed program agreement or if there is a statement of intent that a program agreement will be executed by May 1 of the current fiscal year. Uncommitted funds will be reallocated on a first-come, first-served basis to other community colleges with executed program agreements that have not received all of the program job credits required. Funds that remain uncommitted as of June 30 will be reallocated based on the formula established in Iowa Code section 260C.18C for use during the following fiscal year.

68.4(3) *Department role.* The department will calculate and report to each community college its allotment. The department may deny the allocation of program job credits to any program that fails to comply with Iowa Code chapter 260G. The department will maintain records of the proposed program job credits under each agreement for each fiscal year.

68.4(4) *Submission of program agreements.* A community college will submit program agreements via the 260G data system to access its allotment of program job credits.

68.4(5) *Total amount of program job credits in any one fiscal year.* The total amount of program job credits from all employers that will be allocated for all programs in any one fiscal year will not exceed the amount specified in Iowa Code section 260G.4B(1).

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

871—68.5(260G) Program job credits.

68.5(1) *Eligibility.* To be eligible to receive program job credits, an employer will demonstrate it has met the following requirements:

a. The program agreement must provide for pledged program positions paying at least 200 percent of the federal poverty level for a family of two as calculated at the time of approval of the agreement or any renewal. If the wage designated is to become effective after a training or probationary period, the employer must document that there is a plan in place regarding time frames for transition to the permanent full-time wage, and the employer must provide documentation that these time frames are reasonable and that the employer has previously adhered to the time frames.

b. The program agreement must establish a 20 percent employer cash or in-kind match for program costs.

68.5(2) *Determination of job credit amounts.*

a. Program job credits will be based upon the program job positions identified in the program agreement. No costs incurred prior to the effective date of a program agreement may be reimbursed or eligible for program job credits.

b. Eligibility for program job credits will be based on certification of program job positions and program job wages by the employer at the time established in the agreement.

c. An amount up to 10 percent of the gross program job wages as certified by the employer in the agreement will be credited from the total payment made by an employer pursuant to Iowa Code section 422.16.

d. The employer will remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and, when collected, paid into a special fund of the community college to pay, in part, the program costs.

e. When the program costs have been paid, the employer credits are to cease. Any moneys received after the program costs have been paid will be remitted to the treasurer of state to be deposited in the general fund of the state.

68.5(3) *Certification to department of revenue.*

a. The employer will certify to the department of revenue that the program job credits are in accordance with the program agreement and will provide other information the department may require.

b. The department will certify to the department of revenue on behalf of the community colleges that the amount of the program job credits is in accordance with each program agreement and will provide other information the department of revenue may require.

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

871—68.6(260G) Program agreements and administration.

68.6(1) Program agreements will be developed by an employer and a community college. The development of the program agreements may be facilitated by an entity representing a group of employers. If a bargaining unit is in place with the employer pledging the jobs, a representative of the bargaining unit may take part in the development of the program agreement. All participating parties must sign the program agreement. The program agreement must include employer certification of contributions that are made toward the program costs.

68.6(2) A program agreement will include, at a minimum, the following terms:

- a.* Match provided by the employer;
- b.* Tuition, student fees, or special charges fixed by the community college board;
- c.* Guarantee of employer payments;
- d.* Type and amount of funding sources that will be used to pay for program costs;
- e.* Description of program services and implementation schedule;
- f.* The term of the agreement, not to exceed five years;
- g.* The employer's agreement to interview graduates for full-time positions and provide hiring preference;
- h.* For employers with more than four sponsored participants, certification that a job offer will be made to at least 25 percent of those participants who complete the program;
- i.* An agreement by the employer to provide a wage level of no less than 200 percent of the federal poverty guideline for a family of two;
- j.* A provision that the employer does not have to fulfill the job offer requirement if the employer experiences an economic downturn;
- k.* A provision that the participants will agree to interview with the employer following completion of the program; and
- l.* Default procedures.

68.6(3) Program agreements will be submitted to the department via the 260G data system. Program agreements will document the findings of the community college that all program and employer eligibility requirements have been met. The department will review agreements for issues of quality. The department will maintain a record of all approved agreements.

68.6(4) Term, amendments, and renewals.

a. Term. The term of a program agreement will not exceed five years from the effective date of the agreement. Once a program agreement is approved, the department will obligate job credits, contingent upon the availability of funding, for each year of the term of the agreement.

b. Amendments. A program agreement can be amended only with the consent of both parties and approval by the department. A program agreement can be amended to extend the term of the agreement a maximum of two years.

c. Renewals. A program agreement may be renewed upon completion of its approved term. The community college must demonstrate the program meets the eligibility requirements in Iowa Code section 260G.4, including increased program capacity, as of the date of approval of renewal by the department. A renewed agreement, including exhibits, will be entered and uploaded into the 260G data system. In order to renew an agreement, the following budgeted items and employer commitments will be updated:

- (1) Sponsored positions;
- (2) Program costs;
- (3) Changes in tuition;
- (4) Other fees;
- (5) Changes in salaries and expenses;
- (6) Federal poverty thresholds;
- (7) Income;
- (8) Employer match amounts;
- (9) Any other items identified by the department.

68.6(5) The 260G data system will automatically assign a 12-digit agreement number once the agreement data is entered and approved. The agreement number will remain the same if an approved agreement is extended or otherwise amended. Program agreements that are renewed pursuant to paragraph 68.6(4) “c” will be assigned a new 12-digit number.

68.6(6) The department will provide information about the ACE program in accordance with its annual reporting requirements.

68.6(7) Each community college will establish a monitoring system that includes, at a minimum, a review of employers’ compliance with the Iowa Code, these rules, and the program agreement. Monitoring will be conducted at least annually by community colleges with active program agreements. Each community college will document its monitoring efforts and promptly notify the department of any changes.

68.6(8) Coordination with other state agencies.

a. Department of revenue. When a program agreement is approved for funding, the community college will notify the authority through the 260G data system, and the department will notify the department of revenue on behalf of the community college within 30 days of the date of its approval. Information to be provided to the department of revenue includes but is not limited to program agreement number, employer name, employer address, start and expiration dates, federal employer identification number, Iowa withholding permit number, wages, sponsored positions, and approved amount of program job credits. If, at any time after a program agreement is approved, changes are made that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

b. Department of education. Community colleges and the department will provide program data to the department of education as required.

68.6(9) Program costs for new and renewal program agreements will be calculated or recalculated based on the required program services for a specific number of participants. Program agreement updates reflecting this recalculation must be submitted to the department to review compliance.

[ARC 9567C, IAB 9/17/25, effective 10/22/25]

These rules are intended to implement Iowa Code chapter 260G.

[Filed emergency 6/18/99—published 7/14/99, effective 6/18/99]

[Filed 8/20/99, Notice 7/14/99—published 9/8/99, effective 10/13/99]

[Filed emergency 7/20/00—published 8/9/00, effective 7/21/00]

[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

[Filed emergency 10/23/00 after Notice 9/6/00—published 11/15/00, effective 10/23/00]

[Filed emergency 11/17/00—published 12/13/00, effective 11/17/00]

[Filed emergency 11/20/03 after Notice 9/17/03—published 12/24/03, effective 11/20/03]

[Filed emergency 7/7/05—published 8/3/05, effective 7/7/05]

[Filed 10/21/05, Notice 8/3/05—published 11/9/05, effective 12/14/05]

[Filed ARC 0612C (Notice ARC 0404C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

[Filed ARC 3383C (Notice ARC 2995C, IAB 3/29/17), IAB 10/11/17, effective 11/15/17]

[Filed ARC 5524C (Notice ARC 5387C, IAB 1/13/21), IAB 3/24/21, effective 4/28/21]

[Editorial change: IAC Supplement 11/1/23]

[Editorial change: IAC Supplement 5/14/25]

[Filed ARC 9567C (Notice ARC 9429C, IAB 7/23/25), IAB 9/17/25, effective 10/22/25]

CHAPTER 69
INNOVATIVE BUSINESSES INTERNSHIP PROGRAM

[Prior to 11/1/23, see Economic Development Authority[261] Ch 104]

[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 23]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—69.1(15) Authority. The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section 15.411(4).

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.2(15) Purpose. The purpose of the innovative businesses internship program is to link Iowa students to internship opportunities with innovative small- and medium-sized firms and to help such students convert their internships into employment opportunities.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.3(15) Definitions.

“Board” means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

“Committee” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“Community college” means a community college established under Iowa Code chapter 260C.

“Department” means Iowa workforce development created in Iowa Code section 84A.1.

“Director” means the director of Iowa workforce development.

“Innovative business” means the same as defined in Iowa Code section 15E.52(1) “c.”

“Internship” means temporary employment of a student that focuses on providing the student with work experience in the student’s field of study.

“Program” means the innovative businesses internship program established in this chapter.

“Prospective employee” means a student who is anticipated to be hired upon graduation.

“Student” means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but attends an institution of higher learning outside the state of Iowa.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.4(15) Program funding.

69.4(1) The maximum award amount that may be awarded for any single internship is \$3,100 or \$9,300 to any one employer.

69.4(2) Funds are to be used for reimbursement of wages during the designated internship period. Employers will pay students hired as interns an hourly wage that is at least twice the minimum wage.

69.4(3) The department will award funds to a business based upon department approval of a completed application and the execution of a contract between the business and the department.

69.4(4) A business may receive financial assistance on a matching basis for a portion of the wages paid to an intern. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the business is matched by one dollar from the department.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.5(15) Eligible business. Eligible businesses may apply to the department for assistance under the program. The program is available to Iowa businesses that meet all of the following criteria:

69.5(1) The business is an Iowa-based business with fewer than 500 employees, with a significant portion employed within the state of Iowa.

69.5(2) The business is engaged in an innovative business.

69.5(3) The business offers the internship to students.

69.5(4) The business's summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the business's semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.6(15) Ineligible business. The following businesses are not eligible for this program:

69.6(1) A business that is engaged in retail sales or that provides health services.

69.6(2) A business that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.7(15) Eligible students. Students who are within one to two years of graduation and enrolled at one of Iowa's community colleges, private colleges, or institutions of higher learning under the control of the state board of regents are eligible. A student as defined in this chapter is eligible for an internship under this rule. The department will encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the program.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.8(15) Ineligible students. Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—69.7(15) are not eligible.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.9(15) Application submittal and review process.

69.9(1) The department will develop a standardized application and make the application available to eligible businesses. To apply for assistance under the program, a business will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

69.9(2) Applications will be reviewed and scored by department staff. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.10(15) Application content and other requirements.

69.10(1) A business seeking assistance under the program will submit a complete application to the department. Successful applicants will enter into a contract with the department prior to posting or advertising the internship.

69.10(2) If an award is made, the business will secure an intern or interns within the time period stated in the contract between the department and the business.

69.10(3) The application will include but not be limited to all of the following:

a. The dates and location of the internship.

b. A statement of duties the intern will perform at the business site and how the duties correlate to a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. The application will also include information regarding the intern's work space (e.g., access to telephone, computer, and other necessary items).

- c. The name of the business's representative who will train and supervise the intern.
- d. A statement of the anticipated workforce needs at the business and the student's potential for prospective employment with the business following graduation.

69.10(4) The department reserves the right to require additional information from the business.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.11(15) Selection process. Applications will be reviewed in the order received by the department. The director may approve, defer or deny each application for financial assistance based on the availability of funds. The department will score applications according to the criteria specified in rule 871—69.12(15). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.12(15) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

69.12(1) The extent to which the student is involved in a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. 25 points.

69.12(2) The quality and sufficiency of the explanation of the business's anticipated workforce needs and of the student's potential for prospective employment with the business following graduation. 20 points.

69.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the business's goals or processes. 10 points.

69.12(4) The extent to which the internship will have a positive impact on the intern's skills, knowledge and abilities. 15 points.

69.12(5) The extent to which the internship pays more than twice the minimum wage. 10 points.

69.12(6) The business's contribution to the internship program is above the minimum program match requirement. 10 points.

69.12(7) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

69.12(8) Whether the application establishes that all considerations, including funding required to begin the internship, have been addressed. 5 points.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

871—69.13(15) Contract and reporting.

69.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

69.13(2) *Contract required.* The department will execute a standard contract, which includes but is not limited to a description of the internship to be completed, conditions to disbursement, required reports, the applicable events of default, the repayment requirements imposed in the event of default, and other specific repayment provisions that may be established from time to time on a case-by-case basis.

69.13(3) *Reporting.* A business that has been awarded assistance under the program will submit any information requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

69.13(4) *Contract amendments.* The board does not need to approve a contract amendment. The director may approve contract amendments consistent with Iowa Code section 15.106C.

[ARC 9568C, IAB 9/17/25, effective 10/22/25]

These rules are intended to implement Iowa Code section 15.411(4).

[Filed 9/20/07, Notice 8/15/07—published 10/10/07, effective 11/14/07]

[Filed emergency 2/22/08—published 3/12/08, effective 2/22/08]

[Filed 2/22/08, Notice 12/19/07—published 3/12/08, effective 4/16/08]

[Filed Emergency ARC 8848B, IAB 6/16/10, effective 5/20/10]

[Filed ARC 9063B (Notice ARC 8849B, IAB 6/16/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9754B (Notice ARC 9617B, IAB 7/13/11), IAB 9/21/11, effective 10/26/11]

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

[Filed Emergency ARC 2099C, IAB 8/19/15, effective 7/20/15]

[Filed ARC 2316C (Notice ARC 2098C, IAB 8/19/15), IAB 12/23/15, effective 1/27/16]

[Editorial change: IAC Supplement 11/1/23]

[Editorial change: IAC Supplement 5/14/25]

[Filed ARC 9568C (Notice ARC 9430C, IAB 7/23/25), IAB 9/17/25, effective 10/22/25]

CHAPTER 75 STEM INTERNSHIP PROGRAM

[Prior to 11/1/23, see Economic Development Authority[261] Ch 110]
[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 30]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—75.1(15,85GA,ch1132,86GA,SF510) Authority. The authority for adopting rules establishing a STEM internship program is provided in Iowa Code sections 15.411(5) and 15.106A.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.2(15,85GA,ch1132,86GA,SF510) Purpose. The purpose of the STEM internship program is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.3(15) Definitions.

“Board” means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

“Committee” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“Community college” means a community college established under Iowa Code chapter 260C.

“Department” means Iowa workforce development created in Iowa Code section 84A.1.

“Designated internship period” means the summer or semester during which a student is employed in an internship.

“Director” means the director of Iowa workforce development.

“Employer” means any enterprise located in this state that is operated for profit and under a single management.

“Internship” means temporary employment of a student that focuses on providing the student with work experience in the student’s field of study.

“Program” means the STEM internship program established in this chapter.

“STEM field” means a major course of study within the field of science, technology, engineering, or mathematics or a related field. For purposes of this chapter, “STEM field” includes all majors and academic or degree programs listed on the ACT-defined STEM majors and occupations by area list. The ACT-defined STEM majors and occupations by area list may be found at www.act.org. If a student has declared a major or is enrolled in an academic or degree program not listed on the ACT-defined STEM majors and occupations by area list, the student may still be found eligible for participation in the program if, in the department’s sole discretion, the student’s major is substantially similar to a major that is listed on the ACT-defined STEM majors and occupations by area list.

“Student” means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.4(15,85GA,ch1132,86GA,SF510) Program funding and disbursement.

75.4(1) The maximum amount that may be awarded to an employer for any one internship is \$5,000. The maximum amount that may be awarded to any one employer in any one fiscal year is \$50,000.

75.4(2) Funds are to be used for reimbursement of wages paid during the designated internship period. An employer will pay students hired as interns an hourly wage that is at least twice the minimum wage.

75.4(3) The department will award funds to an employer only after approval of a completed application and execution of a contract between the employer and the department. The department will have sole discretion in determining whether an application is fully complete.

75.4(4) An Iowa employer may qualify for financial assistance under the program on a matching basis for a portion of the wages paid to an intern during the designated internship period. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the employer is matched by one dollar from the department.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.5(15,85GA,ch1132,86GA,SF510) Eligible employers. Eligible employers may apply to the department for assistance under the program. The program is available to employers that meet all of the following criteria:

75.5(1) The employer is an Iowa-based business and has a significant portion of its employees located within the state of Iowa.

75.5(2) The employer employs students who have either declared a major in a STEM field or who are enrolled in a STEM-related academic or degree program at a community college. The students are employed as interns at a location in Iowa.

75.5(3) The employer offers the internship to students of Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or to students who graduated from high school in Iowa but attend an institution of higher learning outside the state of Iowa.

75.5(4) The employer offers either summer- or semester-based internships. The summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.6(15,85GA,ch1132,86GA,SF510) Ineligible employers. The following employers are not eligible for the program:

75.6(1) An employer that is a business engaged in retail sales.

75.6(2) An employer that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

75.6(3) An employer that has applied or will apply during the same state fiscal year to the innovative businesses internship program under 871—Chapter 69 is ineligible to receive funding under the STEM internship program.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.7(15,85GA,ch1132,86GA,SF510) Eligible students. To be eligible, a person meets the requirements of a “student” as defined in rule 871—75.3(15) and is a person who is within one to two years of graduation, has declared a major in a STEM field or is enrolled in a STEM-related academic or degree program at a community college, and is hired for an internship at an Iowa employer during a designated internship period.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.8(15,85GA,ch1132,86GA,SF510) Ineligible students. Students who are more than two years from graduation are ineligible. Students who have not declared a major in a STEM field or are not enrolled in a STEM-related academic or degree program at a community college are ineligible. Students who are immediate family members of management employees or board members of the applicant employer are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—75.7(15,85GA,ch1132,86GA,SF510) are ineligible.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.9(15,85GA,ch1132,86GA,SF510) Application submittal and review process.

75.9(1) The department will develop a standardized application and make the application available to eligible employers. To apply for assistance under the program, an employer will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

75.9(2) Applications will be reviewed and scored by the staff of the department. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.10(15,85GA,ch1132,86GA,SF510) Application content and other requirements.

75.10(1) An employer seeking assistance under the program will submit a completed application to the department.

75.10(2) If an award is made, the employer will secure an intern or interns within the time period stated in the contract between the department and the employer.

75.10(3) The application will include but not be limited to all of the following:

- a.* The dates and location of the internship.
- b.* A statement of duties the student will perform at the internship site and how the duties correlate to a substantive experience in an area closely related to the student's STEM field. The application will also include information regarding the student's work space (e.g., access to telephone, computer, and other necessary items).
- c.* The name of the employer's representative who will train and supervise the student.
- d.* A statement of the anticipated workforce needs at the internship site and the student's potential for prospective employment with the employer following graduation.

75.10(4) In accepting applications from employers, the department may require additional information reasonably related to the program.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.11(15,85GA,ch1132,86GA,SF510) Award process. Applications will be reviewed in the order received by the department. The department will attempt to award as many eligible internships as funding allows. However, the department may deny applications for incompleteness or because of insufficient funds. The department will score applications according to the criteria specified in rule 871—75.12(15,85GA,ch1132,86GA,SF510). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.12(15,85GA,ch1132,86GA,SF510) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

75.12(1) The extent to which the student is involved in a substantive experience closely related to the student's STEM field of study. 30 points.

75.12(2) The quality and sufficiency of the explanation of the employer's anticipated workforce needs and of the student's potential for prospective employment with the employer or another Iowa employer following graduation. 30 points.

75.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the employer's goals or processes. 10 points.

75.12(4) The extent to which the internship will have a positive impact on the student's skills, knowledge and abilities. 10 points.

75.12(5) Whether the internship pays more than twice the minimum wage. 10 points.

75.12(6) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

75.12(7) Whether the application establishes that all relevant internship considerations, including necessary funding, have been addressed by the employer in advance. 5 points.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

871—75.13(15,85GA,ch1132,86GA,SF510) Contract and reporting.

75.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

75.13(2) *Contract required.* An employer receiving an award under the program will execute a standard contract prepared by the department. The contract may include but is not limited to a description of the internship to be completed, the conditions for disbursement, required reporting, the applicable events of default, the repayment requirements imposed in the event of default, and any other specific provisions that may be established from time to time on a case-by-case basis.

75.13(3) *Reporting.* An employer receiving assistance under the program will submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

75.13(4) *Contract amendments and terminations.* Contract amendments or termination may be approved by the director without board approval.

[ARC 9569C, IAB 9/17/25, effective 10/22/25]

These rules are intended to implement 2014 Iowa Acts, chapter 1132, section 12, and Iowa Code section 15.411(5).

[Filed Emergency ARC 2099C, IAB 8/19/15, effective 7/20/15]

[Filed ARC 2316C (Notice ARC 2098C, IAB 8/19/15), IAB 12/23/15, effective 1/27/16]

[Filed ARC 3386C (Notice ARC 3155C, IAB 7/5/17), IAB 10/11/17, effective 11/15/17]

[Editorial change: IAC Supplement 11/1/23]

[Editorial change: IAC Supplement 5/14/25]

[Filed ARC 9569C (Notice ARC 9431C, IAB 7/23/25), IAB 9/17/25, effective 10/22/25]