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PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Iowa Code Chapter 17A and supersedes Part I of the Iowa Administrative Code Supplement.

The Bulletin contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies [continue to refer to General Information for drafting style and form], all proclamations and executive orders of the Governor which are general and permanent in nature, and other "materials deemed fitting and proper by the Administrative Rules Review Committee."

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, objections filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through~~ letters indicate deleted material.

The ARC number which appears before each agency heading is assigned by the Administrative Rules Coordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to Iowa Code section 17A.6. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules coordinator and published in the Bulletin.

PHYLLIS BARRY, Deputy Code Editor
LAVERNE SWANSON, Administrative Code Assistant

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
24	Friday, May 4, 1984	May 23, 1984
25	Friday, May 18, 1984	June 6, 1984
26	Friday, June 1, 1984	June 20, 1984

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Iowa Administrative Bulletin

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Prices for the Iowa Administrative Code and its Supplements are as follows:

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RULEMAKING SCHEDULE

Schedule for Rulemaking 1984

FILING DEADLINE	PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 13	Feb. 1	Feb. 21	Mar. 7	May 2	July 30
Jan. 27	Feb. 15	Mar. 6	Mar. 21	May 16	Aug. 13
Feb. 10	Feb. 29	Mar. 20	Apr. 4	May 30	Aug. 27
Feb. 24	Mar. 14	Apr. 3	Apr. 18	June 13	Sep. 10
Mar. 9	Mar. 28	Apr. 17	May 2	June 27	Sep. 24
Mar. 23	Apr. 11	May 1	May 16	July 11	Oct. 8
Apr. 6	Apr. 25	May 15	May 30	July 25	Oct. 22
Apr. 20	May 9	May 29	June 13	Aug. 8	Nov. 5
May 4	May 23	June 12	June 27	Aug. 22	Nov. 19
May 18	June 6	June 26	July 11	Sep. 5	Dec. 3
June 1	June 20	July 10	July 25	Sep. 19	Dec. 17
June 15	July 4	July 24	Aug. 8	Oct. 3	Dec. 31
June 29	July 18	Aug. 7	Aug. 22	Oct. 17	Jan. 14 '85
July 13	Aug. 1	Aug. 21	Sep. 5	Oct. 31	Jan. 28 '85
July 27	Aug. 15	Sep. 4	Sep. 19	Nov. 14	Feb. 11 '85
Aug. 10	Aug. 29	Sep. 18	Oct. 3	Nov. 28	Feb. 25 '85
Aug. 24	Sep. 12	Oct. 2	Oct. 17	Dec. 12	Mar. 11 '85
Sep. 7	Sep. 26	Oct. 16	Oct. 31	Dec. 26	Mar. 25 '85
Sep. 21	Oct. 10	Oct. 30	Nov. 14	Jan. 9 '85	Apr. 8 '85
Oct. 5	Oct. 24	Nov. 13	Nov. 28	Jan. 23 '85	Apr. 22 '85
Oct. 19	Nov. 7	Nov. 27	Dec. 12	Feb. 6 '85	May 6 '85
Nov. 2	Nov. 21	Dec. 11	Dec. 26	Feb. 20 '85	May 20 '85
Nov. 16	Dec. 5	Dec. 25	Jan. 9 '85	Mar. 6 '85	June 3 '85
Nov. 30	Dec. 19	Jan. 8 '85	Jan. 23 '85	Mar. 20 '85	June 17 '85
Dec. 14	Jan. 2 '85	Jan. 22 '85	Feb. 6 '85	Apr. 3 '85	July 1 '85
Dec. 28	Jan. 16 '85	Feb. 5 '85	Feb. 20 '85	Apr. 17 '85	July 15 '85

20 days from the publication date is the minimum date for a public hearing or cutting off public comment.

35 days from the publication date is the earliest possible date for the agency to consider a noticed rule for adoption.

180 days 17A.4(1)"b" says that if a noticed rule is not adopted by the agency within this time, the agency must either adopt the rule or file a notice of termination.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
COMMERCE COMMISSION[250] Cogeneration and small power production, amendments to ch 15 IAB 4/25/84 ARC 4635	Commission Hearing Room Lucas State Office Bldg. Des Moines, Iowa	May 29, 1984 10:00 a.m.
COMPROLLER, STATE[270] Insurance deductions, ch 6 IAB 5/9/84 ARC 4639	Hoover State Office Bldg. Level A Conference Room Des Moines, Iowa	June 5, 1984 10:00 a.m.
CONSERVATION COMMISSION[290] Migratory game bird regulations, ch 105 IAB 2/29/84 ARC 4490	Auditorium Wallace State Office Bldg. Des Moines, Iowa	July 14, 1984* 10:00 a.m.
CORRECTIONS, DEPARTMENT OF[291] Institutions, jail facilities, 20.3, 20.6, 20.10, 50.19 IAB 4/25/84 ARC 4616	South Conference Room First Floor Grimes State Office Bldg. East 14th and Grand Des Moines, Iowa	May 17, 1984 1:00 p.m.
HUMAN SERVICES DEPARTMENT[498] Medical assistance, eye-glasses, 78.1(18), 78.6, 78.7, 79.1(8) IAB 5/9/84 ARC 4640	District Office Conference Room 3609½ Douglas Des Moines, Iowa	May 31, 1984 1:00 p.m.
INDUSTRIAL COMMISSIONER[500] Settlements and commutations, 6.2(1) IAB 4/25/84 ARC 4614	Industrial Commissioner's Office Third Floor 507 10th Street Des Moines, Iowa	May 15, 1984 9:00 a.m.
PAROLE, BOARD OF[615] Inmate interviews, 3.6(2), 3.6(3) IAB 5/9/84 ARC 4643	Jewett Building Second Floor 914 Grand Avenue Des Moines, Iowa	May 30, 1984 10:00 a.m.
PLANNING AND PROGRAMMING[630] Iowa intergovernmental review system, ch 11 IAB 4/25/84 ARC 4628	Planning and Programming Conference Room 523 East 12th Street Des Moines, Iowa	May 15, 1984 10:00 a.m.
RACING COMMISSION, STATE[693] Organization and operation, ch 1; rulemaking, ch 2; declaratory rulings, ch 3 IAB 4/11/84 ARC 4591 Criteria for granting licenses and determining race dates, ch 6 IAB 4/11/84 ARC 4592	Conference Room Second Floor Wallace State Office Bldg. Des Moines, Iowa Conference Room Second Floor Wallace State Office Bldg. Des Moines, Iowa	May 17, 1984 9:30 a.m. May 17, 1984 9:30 a.m.

*The 2/29/84 and 3/14/84 IAB inadvertently listed April 7, 1984.

REGENTS, BOARD OF[720]Insurance deductions,
8.7

IAB 5/9/84 ARC 4648

Hoover State Office Bldg.
Level A Conference Room
Des Moines, IowaJune 5, 1984
10:00 a.m.**SOIL CONSERVATION DEPARTMENT[780]**Blaster training, examination
and certification for
coal mines, ch 23

IAB 4/25/84 ARC 4631

Conference Room
Second Floor
Wallace State Office Bldg.
Des Moines, IowaJuly 5, 1984
1:00 p.m.**WATER, AIR AND WASTE MANAGEMENT[900]**Amendments to make rules
consistent, amendments
on requirements or standards,
chs 20, 23, 65, 69, 101, 102,
103, 104, 105, and 106

IAB 5/9/84 ARC 4646

Conference Room
Fifth Floor
Wallace State Office Bldg.
Des Moines, IowaMay 30, 1984
10:00 a.m.Controlling pollution,
22.3(3), 22.5(1), 22.5(2),
22.5(4), 22.5(5), 22.6

IAB 5/9/84 ARC 4641

Conference Room
Fifth Floor
Wallace State Office Bldg.
Des Moines, IowaJune 11, 1984
10:00 a.m.

ARC 4639

COMPTROLLER, STATE[270]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of Iowa Code section 8.6(16), the Office of the State Comptroller hereby gives Notice of Intended Action to create Chapter 6, "Insurance Deductions," Iowa Administrative Code.

These rules establish guidelines and requirements for qualified insurance companies seeking to receive payroll insurance deductions from state employees.

Any interested person may submit written suggestions or comments on the proposed rules on or before May 30, 1984. Written materials should be directed to Eldon F. Sperry, Division Director, Office of the State Comptroller, Hoover State Office Building, Des Moines, Iowa 50319.

If a request is received for an opportunity to make an oral presentation as provided in Iowa Code section 17A.4(1)"b" by May 29, 1984, the presentation may be made in the Hoover State Office Building, Level A Conference Room, Des Moines, Iowa at 10:00 a.m. on June 5, 1984.

These rules are intended to implement Iowa Code section 79.17.

CHAPTER 6 INSURANCE DEDUCTIONS

270—6.1(8) General provisions. The state of Iowa may extend to eligible insurance companies the right to receive insurance premiums from state employees through payroll deduction upon presentation of insurance deduction authorization forms signed by state employees.

270—6.2(8) Qualifications. To qualify to receive insurance deductions an insurance company must have and maintain five hundred or more state officers or employees participating per type of insurance on a statewide basis.

An insurance company seeking to be qualified shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees for whom insurance deductions are sought. Such list shall contain, according to affected payroll systems, the names in alphabetical order and social security number of state employees for whom insurance deductions are being requested.

270—6.3(8) Payroll system. A payroll system for the purpose of this chapter is any one of the following:

1. State of Iowa Centralized (including the Iowa State Fair Board)
2. Department of Transportation
3. Iowa State University of Science and Technology
4. State University of Iowa
5. University of Northern Iowa
6. Iowa Braille and Sight-Saving School
7. Iowa School for the Deaf.

270—6.4(8) Forms. The administration of insurance deductions for qualified insurance companies must be done on authorization forms approved by the responsible official in charge of each payroll system.

270—6.5(8) Noneligible types of insurance. Deductions from salaries and wages will not be authorized for any type of insurance which is being provided for by the state, as follows: Health and dental; term life; and long-term sickness or disability.

270—6.6(8) Deduction limits and frequency. Authorized deductions must be a minimum of one dollar per deduction. The frequency of the deductions shall be compatible with the payroll system. All payroll deductions shall be made in equal amounts on a monthly basis, or be made on a basis compatible with the payroll system.

270—6.7(8) Distribution of literature. The state of Iowa will not distribute literature for insurance deductions with payroll materials.

270—6.8(8) Number of contributions. Each payroll system shall provide for each employee to make insurance deductions to any combination of four insurance companies or types of insurance.

270—6.9(8) Cash contributions. No cash contributions will be accepted or administered through the payroll process or system.

270—6.10(8) Terminations. Any employee wishing to terminate the deduction shall be required to give thirty days' notice in writing to the appointing authority of the department in which the employee works or, in the case of Regents institutions, to the administrator of the payroll system through which the employee is paid.

270—6.11(8) Remittance. The administrator of the payroll system shall mail the monthly payment to each insurance company within twenty working days after the last pay date of each calendar month. Support documentation shall be limited to a listing of employees and amount deducted.

270—6.12(8) Service charges. Each payroll system may assess a service charge to eligible insurance companies. Service charges may not exceed the total cost of administering the payroll deduction.

270—6.13(8) Solicitation prohibited. Agency rules prohibiting solicitation on state property must be followed by salespersons or agents for eligible insurance companies.

270—6.14(8) Annual review of participating employees. During September of each year, each participating insurance company shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees who have an insurance deduction. The list shall contain the same information as required in rule 6.2(8), and will be used by the state to determine if the insurance company has five hundred employees participating as required in the rules.

If the minimum qualification is not being maintained, written notification will be provided to the insurance company, giving them ninety days to meet the minimum qualification. If, at the end of the ninety-day period, the minimum qualification has not been attained, the insurance deduction for all participating employees in that company will be terminated.

270—6.15(8) State held harmless. Insurance companies shall indemnify and save the state harmless against any and all claims, demands, suits, or other forms of liability which may arise out of any action taken or not taken by the state for the purpose of complying with the provisions of this chapter.

ARC 4642**HUMAN SERVICES
DEPARTMENT[498]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Iowa Code section 239.18, the Department of Human Services proposes to amend Chapter 42, "Unemployed Parent," appearing in the Iowa Administrative Code.

Current rules require that two face-to-face job contacts per week be made during the application process and that eight face-to-face job contacts be made each month after assistance is approved. Failure to make these contacts results in denial or cancellation of assistance. The rule allows no latitude in denying or canceling assistance, even when it becomes apparent that the client did not understand the job search requirements.

These rules require that the qualifying parent on an unemployed parent case be given one warning before being penalized for failure to make the contacts.

Most of the Department of Human Services' active job search rules are patterned after the rules used by job service of Iowa in determining eligibility for job insurance benefits. Job service provisions allow for job insurance benefit claimants to be warned once prior to being penalized for failure to fulfill job service requirements. This rule change will co-ordinate department rules more closely with job service rules.

These rules also include a technical amendment which lists a specific date for a reference to the Social Security Act.

Consideration will be given to written data, views, and arguments thereto, received by the Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before May 30, 1984.

These rules are intended to implement Iowa Code section 239.2.

ITEM 1. Subrule 42.4(2), paragraph "a" is amended to read as follows:

42.4(2) The qualifying parent shall have a recent connection with the labor force established by a work history which includes at least one of the following:

a. Six or more quarters within a thirteen-quarter period ending within one year prior to the quarter of application in which earned income of at least \$50 per quarter was received or there was participation in a community work experience program under Title IV-A, Section 409 of the Social Security Act, as amended effective October 1, 1981, or there was participation in a work incentive program training plan.

ITEM 2. Subrule 42.4(4), paragraph "a" is amended to read as follows:

42.4(4) Active search for employment or training. While the application is pending and after assistance has been approved, the qualifying parent shall comply with the following active search requirements:

a. The qualifying parent shall actively search for employment or training for employment with a minimum of eight employment seeking face-to-face contacts per month. While the application is pending a minimum of two contacts per week will suffice. *After one written warning, any individual who fails to meet the minimum standard shall not be considered unemployed.*

ARC 4640**HUMAN SERVICES
DEPARTMENT[498]****NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes amending rules appearing in the IAC relating to medical assistance (Chapters 78 and 79). The Department is directed to determine the method and level of reimbursement for all medical and health services after considering the promotion of efficient and cost-effective delivery, compliance with federal law and regulations, and the level of federal and state appropriations. After priority is given to the aforementioned considerations, consideration shall also be given to reimbursement at a level as near as possible to actual costs and charges. This amendment sets forth the new methodology for reimbursement for eyeglasses. It also reorganizes the rules more clearly.

Studies have shown that eyeglasses may be obtained by more economical systems of reimbursement than the current method of reimbursement. The current method reimburses providers at invoice cost, the actual cost providers are billed by laboratories.

The method proposed by the Department would reimburse providers for eyeglasses at a fixed rate. The fixed rate was established through discussion with optometrists, opticians, and ophthalmic laboratories. The proposal is considered an acceptable rate to the Department and the majority of providers, and is lower than the current average invoice cost. Providers will be able to obtain the eyeglasses from any laboratory which is willing to accept the fixed rate or less. This method will provide for financial savings with administratively manageable procedures. It also reduces some paper work for providers by eliminating the need for submission of invoices with claims.

The change in reimbursement will have little impact on the glasses the recipients obtain.

Several other alternatives were considered. One was to contract with one laboratory to provide all eyeglasses. This was rejected because of the possible loss of business for Iowa laboratories if the contract went to an out-of-state laboratory, the inconvenience for optometrists and opticians of dealing with a separate laboratory for medical assistance recipients, the potential for poor service or

HUMAN SERVICES DEPARTMENT[498] (cont'd)

poor quality products, the burden of purchasing the frame kits from the "new" supplier. In addition a survey of opticians indicated that forty-four of fifty opticians in the state would not participate in the medical assistance program if volume purchase was initiated. The decreased number of providers would pose a hardship on the recipients who need the service.

Another alternative was for the Department to reimburse laboratories directly. This was rejected because it was felt that the additional administrative costs would minimize any savings.

A third alternative was to set a price and let laboratories decide if they would like to participate. Under this system, the prices would not be as low as the previous alternative. In addition there would have to be a separate contract with each laboratory, and therefore administrative costs would minimize any savings. A variation of the third alternative is to set a maximum payment limit for lenses and reimburse the optometrists and opticians at cost up to the maximum but to allow providers to choose any laboratory under the maximum price. Providers felt that the maximum limit should be paid regardless of acquisition cost as an incentive to the providers.

The savings of the proposed rule are anticipated to be \$19,537 in state funding per year.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy Coordination, Hoover State Office Building, Des Moines, Iowa 50319 on or before May 30, 1984.

Oral presentations may be made by appearing at the following meeting. Written comments will also be accepted at that time.

Des Moines - May 31, 1984 at 1:00 p.m.

Department of Human Services District Office
Conference Room

3609½ Douglas

Des Moines, Iowa 50312

These rules are intended to implement Iowa Code section 249A.4.

ITEM 1. Rule 498—78.1(249A) is amended by adding a new subrule:

78.1(18) Payment and procedure for obtaining eyeglasses, contact lenses, and visual aids shall be the same as described in 498—78.6(249A).

ITEM 2. Rule 498—78.6(249A) is amended to read as follows:

498—78.6(249A) Optometrists. Payment will be approved only for certain optometric services and supplies.

78.6(1) Payable services include:

a. Visual analysis which shall include the following enumerated professional and technical optometric services:

- a. (1) Complete case history.
- b. (2) Visual acuity.
- c. (3) Examination of the eye for ~~pathology, external and ophthalmoscopy~~ *ocular disease*.
- d. (4) Analytical tests where ~~possible indicated~~ *to consist of Tests that may be included are* corneal measurements, retinoscopy, subjective refraction, habitual phorias, induced lateral and vertical phorias, duction through controls, cross-cylinder and resultant phorias, amplitude of accommodation, and plus and minus blur-out.

e. (5) Basic skills as required.

f. (6) Determination of near vision or working distance, acuity, and range of near vision.

g. (7) Diagnosis from foregoing tests.

78.6(2) b. Prescription, analysis, advice, and consultation which shall include the following professional services:

a. (1) Analysis of the patient's previous prescription when applicable.

b. (2) Analysis of present visual needs.

c. (3) Determination of required treatment.

d. (4) Programming and presentation of treatment.

e. (5) Writing of the final prescription.

78.6(3) c. Lens service, verification and subsequent service. When lenses are necessary, the following enumerated professional and technical optometric services are to be provided:

a. (1) Ordering of corrective lenses.

b. (2) Verification of lenses after fabrication.

c. (3) Adjustment and alignment of completed lens order.

d. (4) Subsequent adjustment and servicing of lenses.

78.6(4) d. Multifocal lens service.

78.6(5) e. Fitting of contact lenses when required following cataract surgery or documented keratinous. *Payment for contact lenses shall be the actual laboratory cost as evidenced by an attached invoice.*

78.6(6) f. Frame service. When a new frame is necessary, the following enumerated professional and technical optometric services are to be provided:

a. (1) Selection and styling of frames.

b. (2) ~~Frame sizing~~ *Sizing* and measurements.

c. (3) Fitting and adjustment of frames.

d. (4) ~~Subsequent adjustment~~ *Readjustment* and servicing of frames.

78.6(7) g. Frame service when only lenses are provided.

78.6(8) h. Tonometry. *For persons aged thirty-five and over. Results of tests shall accompany the claim.*

78.6(9) Visual fields. *This shall be performed only when neurological or pathological symptoms are present. Results of tests shall accompany the claim.*

78.6(10) i. Repairs. *This charge is not applicable when a charge is made for any other service. Service fee shall not exceed the dispensing fee.*

78.6(11) j. Ophthalmic materials which are provided in connection with any of the foregoing professional optometric services shall provide adequate vision as determined by the optometrist and meet the following standards:

a. (1) Corrected curve lenses, unless clinically contraindicated, manufactured by reputable American manufacturers. *Note: Payment will not be made for photograph or cosmetic gradient tints.*

b. (2) Standard plastic, plastic metal combination, or metal frames manufactured by reputable American manufacturers.

c. (3) Prescription standards according to the American optometric association standards and tolerance.

78.6(12) Actual laboratory cost of lenses. *An invoice must accompany the claim.*

78.6(13) Actual laboratory cost, not to exceed \$13.50, of frames. *An invoice must accompany the claim.*

k. Payment for single vision lenses shall be \$13.50 per pair, bifocal vision lenses shall be \$23.50 per pair, trifocal vision lenses shall be \$29.50 per pair, and aphakia lenses shall be \$47.00 per pair. Payment for lenses with a correction of plus or minus six diopters or more shall be an

HUMAN SERVICES DEPARTMENT[498] (cont'd)

additional \$8.00 per pair. One lens shall be one-half the per pair price. All fees shall be reviewed annually.

l. Payment for a total frame shall be at cost not to exceed \$12.00 and payment for replacement parts for frames shall be at cost not to exceed \$8.00.

78.6(14) Subnormal visual aids including hand magnifiers, loupes, telescopic spectacles or reverse Galilean telescope systems. An invoice must accompany the claim.

78.6(15) m. Case for glasses not to exceed fifty ninety-five cents.

n. Schroeder shield.

o. Ptois crutch.

p. Protective lenses for an individual with only one eye even if corrective lens is not required.

78.6(16) Prior approval shall be obtained from the department when a lens correction is the second within a twenty-four month period; for procedure in subrule 78.6(8) when the patient is under age thirty-five, and in all cases for procedures in subrules 78.6(9) and 78.6(14). The optometrist shall furnish sufficient information to clearly establish that these procedures are necessary in terms of the visual condition of the patient. Requests for prior approval shall be made on form D-9402(SDC); Request for Prior Authorization.

78.6(2) The following services require prior authorization before payment will be made:

a. Tonometry when patient is under age thirty-five. Approval shall be given when the recipient exhibits signs or symptoms of glaucoma, the retina has an abnormal appearance, or there is a family history of glaucoma.

b. Visual fields. Approval shall be given under the same circumstances as in 78.6(2)"a" or if there is a high tonometry reading.

c. Subnormal visual aids including hand magnifiers, loupes, telescopic spectacles, or reverse Galilean telescope systems. Approval shall be given when conventional glasses will not give adequate acuity and the visual aid will provide the acuity. Payment shall be actual laboratory cost as evidenced by an attached invoice.

d. A second lens correction within a twenty-four-month period. Approval shall be given when the recipient's vision has at least a five-tenths diopter of change in sphere or cylinder or ten degree change in axis.

78.6(3) Noncovered services include, but are not limited to, the following services:

a. Glasses with cosmetic gradient tint lenses or other eyewear for cosmetic purposes.

b. Glasses for protective purposes including glasses for eye safety, sunglasses, or glasses with photogray lenses.

c. Visual therapy.

d. Any service related to a noncovered service.

This rule is intended to implement Iowa Code section 249A.4; The Code.

ITEM 3. Rule 498—78.7(249A) is amended to read as follows:

498—78.7(249A) Opticians. Payment will be made approved only for certain services and supplies provided by opticians.

78.7(1) Payment will be made for the following services when prescribed by a physician (MD or DO) or an optometrist (OD):

a. A dispensing fee only when the recipient is provided with a new pair of glasses.

78.7(2) b. Preparation and fitting of contact lenses when required following cataract surgery or documented

keratinous. Payment for contact lenses shall be the actual laboratory cost as evidenced by an attached invoice.

78.7(3) c. Preparation and fitting of artificial eye.

d. Ophthalmic materials which are provided according to the prescription provided by a professional physician or optometrist shall meet the following standards:

(1) Corrected curve lenses, unless clinically contraindicated, manufactured by reputable American manufacturers.

(2) Standard plastic, plastic metal combination, or metal frames manufactured by reputable American manufacturers.

(3) Prescription standards according to the American optometric association standards and tolerance.

e. Payment for single vision lenses shall be \$13.50 per pair, bifocal vision lenses shall be \$23.50 per pair, trifocal vision lenses shall be \$29.50 per pair, and aphakia lenses shall be \$47.00 per pair. Payment for lenses with a correction of plus or minus six diopters or more shall be an additional \$8.00 per pair. One lens shall be one-half the per pair price. All fees shall be reviewed annually.

f. Payment for a total frame shall be at cost not to exceed \$12.00 and payment for replacement parts for frames shall be at cost not to exceed \$8.00.

78.7(4) g. Repairs or replacement of frames, lenses or component parts. A charge Payment will be approved for service in addition to the actual laboratory cost of materials as evidenced by an invoice attached to the claim; providing no charge is made for any other professional service. Payment will be approved for replacement of glasses when the original glasses have been lost or damaged beyond repair. When the glasses no longer adequately correct the recipient's vision, payment will be approved for lenses only. Lens fee shall be the same as 78.7(1)"e." Service fees shall not exceed the dispensing fee.

The actual laboratory cost, not to exceed \$13.50, for frames. An invoice must accompany the claim.

78.7(5) Lenses, contact lenses, and artificial eyes. Note: Payment will not be made for photogray or cosmetic gradient tints.

78.7(6) h. Schroeder shield.

78.7(7) i. Ptois crutch.

j. Case for glasses not to exceed ninety-five cents.

78.7(2) When prior approval is obtained by the physician or optometrist, payment for the following services shall be made:

78.7(8) a. Subnormal visual aids including hand magnifiers, loupes, telescopic spectacles or reverse Galilean telescope system. Approval shall be given when conventional glasses will not give adequate acuity and the visual aid will provide the acuity. This Payment shall be the actual laboratory cost plus a charge for service. An invoice must accompany the claim as evidenced by an attached invoice.

b. A second lens correction within a twenty-four-month period. Approval shall be given when the recipient's vision has at least a five-tenths diopter of change in sphere or cylinder or ten degree change in axis.

78.7(9) Case for glasses not to exceed fifty cents.

78.7(3) Noncovered services include but are not limited to the following services:

a. Glasses with cosmetic gradient tint lenses or other eyewear for cosmetic purposes.

b. Glasses for protective purposes including glasses for eye safety, sunglasses, or glasses with photogray lenses.

c. Any service related to a noncovered service.

This rule is intended to implement Iowa Code section 249A.4; The Code.

HUMAN SERVICES DEPARTMENT[498] (cont'd)

ITEM 4. Subrule 79.1(8) is amended to read as follows:

79.1(8) After reimbursement for medical assistance has been determined in accordance with appropriate procedures in place for each provider, reductions shall be made as follows: Physicians and hospitals shall be reduced by a factor of four and two-tenths percent. Pharmacists' professional fees shall be reduced by a factor of fourteen and eight-tenths percent. All other medical care providers except the Iowa Veterans Home, state hospital-schools, state mental health institutes, intermediate care facilities and intermediate care facilities for the mentally retarded shall be reduced by a factor of six and seven-tenths percent. Also exempt from any percentage reduction are *eyeglass lenses and frames and the material costs of products for which reimbursement is made at acquisition or actual invoice cost.*

ARC 4647

HUMAN SERVICES
DEPARTMENT[498]

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of Iowa Code sections 217.6 and 234.6, the Department of Human Services proposes to amend Chapter 156, "Payments for Foster Care," appearing in the Iowa Administrative Code.

The Department has been given authority to use funds in the foster care appropriation to provide for the needs of foster children. This rule (1) reflects increases in costs since 1974 and (2) reflects allowances for initial new expenditures for independent living in view of experience in administering independent living arrangements.

The subrule on clothing allowance is revised to increase the initial foster family care clothing allowance, expand the reasons for which a second clothing allowance may be issued, and update the procedure for claiming reimbursement for clothing allowances. There has been no increase in the clothing allowance since 1974. A new subrule authorizes an allowance for initial costs for children entering independent living. Examples of these costs are rental deposits, purchase of food, utensils, bedding and cleaning supplies.

A new subrule is added which authorizes payment for needed medical care for children for whom the Department has assumed financial responsibility when no other source of payment is available. The existing provisions regarding medical transportation costs are clarified.

The subrule on funeral costs is revised to provide that the total allowable cost of the funeral expenses for children under the guardianship of the Department shall be the same as the total allowable cost available through the aid to dependent children and state supplementary assistance programs. This revision is an increase over the total allowable cost in the current subrule.

The subrule on reimbursement of copayment for medical is eliminated since copayment is no longer required for foster children.

Consideration will be given to written data, views, or arguments thereto, received by the Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before May 30, 1984.

This rule is intended to implement Iowa Code sections 234.35 and 234.38.

Rule 498—156.8(234) is rescinded and the following inserted in lieu thereof:

498—156.8(234) Special needs.

156.8(1) Clothing allowance. When in the judgment of the worker clothing is needed at the initial placement of a child in a foster family home an allowance may be authorized, not to exceed two hundred fifty dollars, to purchase clothing.

A second clothing allowance, not to exceed one hundred dollars, may be approved by the district administrator when needed for the replacement of lost clothing or because of unusual growth or weight change.

Claims for these allowances shall be submitted to the department on a claim order/claim voucher with receipts for the expenditures. Claims shall be submitted within ninety days after the expenditure is made.

156.8(2) Independent living. When a child is initially placed in independent living, the district administrator may authorize an allowance not to exceed two hundred fifty dollars if the child does not have sufficient resources to cover initial costs.

156.8(3) Medical care. When a child in foster care needs medical care or examinations which are not covered by the medical assistance program and no other source of payment is available, the cost may be paid from foster care funds with the approval of the district administrator. Claims shall be submitted to the department on a claim order/claim voucher within ninety days after the service is provided.

156.8(4) Transportation for medical care. When a child in foster family care has expenses for transportation to receive medical care which cannot be covered by the medical assistance program, such expenses may be paid from foster care funds, with the approval of the district administrator. The claim for all such expenses shall be submitted to the department on a claim order/claim voucher within ninety days after the trip. This payment shall not duplicate or supplement payment through the medical assistance program. Such expenses may include the actual cost of meals, parking, child care, lodging, passenger fare, or mileage at the rate granted state employees.

156.8(5) Funeral expense. When a child under the guardianship of the department dies, the department will pay funeral expenses not covered by the child's resources, insurance or other death benefits, the child's legal parents, or the child's county of legal settlement, not to exceed \$650.00.

The total cost of the funeral and the goods and services included in the total cost shall be the same as defined in subrules 56.3(3) and 56.3(4).

The claim shall be submitted by the funeral director to the department on a claim order/claim voucher and shall be approved by the district administrator. Claims shall be submitted within ninety days after the child's death.

ARC 4643**PAROLE, BOARD OF[615]
NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Iowa Code section 906.3, the Iowa Board of Parole hereby gives notice of its intended action to amend Iowa Administrative Code rule 615—3.6(906) Inmate interviews.

Rule 3.6(906) refers to interviews of inmates at the state correctional institutions by members of the Board of Parole. The proposed change would have the first annual interview of the inmate conducted by a single member of the Board rather than a three-member panel. Few paroles are granted at the first annual interview so the three-member panel is not really necessary. If it appears that consideration should be given to a parole after one year of incarceration the individual member would place that inmate's case on the schedule for prompt consideration by a three-member panel with authority to grant parole. This change would make more economical and efficient use of personnel in the administration of the parole process.

Any interested person may make written suggestions or comments on these proposed rules prior to May 29, 1984. Such written materials shall be directed to the Executive Secretary, Iowa Board of Parole, Jewett Building, 914 Grand Ave., Des Moines, Iowa 50309. Persons who want to convey their views orally should contact the same at 515-281-4819. Also there will be a public hearing on Wednesday, May 30, 1984, at 10:00 a.m. at the Parole Board Office on the second floor of the Jewett Building, 914 Grand Ave., Des Moines, Iowa. Persons may present their views at this hearing either orally or in writing. Persons who wish to make oral presentations at the public hearing should contact the said Executive Secretary at least one day prior to the date of the public hearing.

This rule is intended to implement Iowa Code section 906.3.

The following amendments are proposed:

Subrule 3.6(2) is amended to read as follows:

3.6(2) Reserved Initial interview. *At some time during the twelve-month period following an inmate's admission to a state correctional institution that inmate shall be interviewed by one or more members of the board of parole.*

Normally, an inmate who is serving time on work release or at the Iowa Security Medical Facility at the time for the initial interview shall not receive an initial interview unless requested by the inmate and, if the inmate is at the Iowa Security Medical Facility, approved by the medical staff at that institution.

Subrule 3.6(3) is amended by changing the first sentence as follows:

3.6(3) Annual interviews. At least once in each succeeding twelve-month period, the inmate shall be afforded an opportunity to be interviewed before three or more members of the board of parole for the purpose of parole consideration.

ARC 4648**REGENTS, BOARD OF[720]
NOTICE OF INTENDED ACTION**

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

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

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 8, "Purchasing," Iowa Administrative Code.

This rule establishes guidelines and requirements for qualified insurance companies seeking to receive payroll insurance deductions from state employees.

Any interested person may submit written suggestions or comments on the proposed rule on or before May 30, 1984. Written materials should be directed to R. Wayne Richey, Executive Secretary, State Board of Regents, Lucas State Office Building, Des Moines, Iowa 50319. If a request is received for an opportunity to make an oral presentation as provided in Iowa Code section 17A.4(1)"b" by May 29, 1984, the presentation may be made in the Hoover State Office Building, Level A Conference Room, Des Moines, Iowa at 10:00 a.m. on June 5, 1984.

This rule is intended to implement Iowa Code section 79.17.

Amend Chapter 8 by adding the following new rule:

720—8.7(262) Insurance deductions.

8.7(1) General provisions. The state of Iowa may extend to eligible insurance companies the right to receive insurance premiums from state employees through payroll deduction upon presentation of insurance deduction authorization forms signed by state employees.

8.7(2) Qualifications. To qualify to receive insurance deductions an insurance company must have and maintain five hundred or more state officers or employees participating per type of insurance on a statewide basis.

An insurance company seeking to be qualified shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees for whom insurance deductions are sought. Such list shall contain, according to affected payroll systems, the names in alphabetical order and social security number of state employees for whom insurance deductions are being requested.

8.7(3) Payroll system. A payroll system for the purpose of this chapter is any one of the following.

1. State of Iowa Centralized (including the Iowa State Fair Board)
2. Department of Transportation
3. Iowa State University of Science and Technology
4. State University of Iowa
5. University of Northern Iowa
6. Iowa Braille and Sight-Saving School
7. Iowa School for the Deaf.

8.7(4) Forms. The administration of insurance deductions for qualified insurance companies must be done on authorization forms approved by the responsible official in charge of each payroll system.

REGENTS, BOARD OF [720] (cont'd)

8.7(5) Noneligible types of insurance. Deductions from salaries and wages will not be authorized for any type of insurance which is being provided for by the state, as follows: Health and dental; term life; and long-term sickness or disability.

8.7(6) Deduction limits and frequency. Authorized deductions must be a minimum of one dollar per deduction. The frequency of the deductions shall be compatible with the payroll system. All payroll deductions shall be made in equal amounts on a monthly basis, or be made on a basis compatible with the payroll system.

8.7(7) Distribution of literature. The state of Iowa will not distribute literature for insurance deductions with payroll materials.

8.7(8) Number of contributions. Each payroll system shall provide for each employee to make insurance deductions to any combination of four insurance companies or types of insurance.

8.7(9) Cash contributions. No cash contributions will be accepted or administered through the payroll process or system.

8.7(10) Terminations. Any employee wishing to terminate the deduction shall be required to give thirty days' notice in writing to the appointing authority of the department in which the employee works or, in the case of Regents institutions, to the administrator of the payroll system through which the employee is paid.

8.7(11) Remittance. The administrator of the payroll system shall mail the monthly payment to each insurance company within twenty working days after the last pay date of each calendar month. Support documentation shall be limited to a listing of employees and amount deducted.

8.7(12) Service charges. Each payroll system may assess a service charge to eligible insurance companies. Service charges may not exceed the total cost of administering the payroll deduction.

8.7(13) Solicitation prohibited. Agency rules prohibiting solicitation on state property must be followed by salespersons or agents for eligible insurance companies.

8.7(14) Annual review of participating employees. During September of each year, each participating insurance company shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees who have an insurance deduction. The list shall contain the same information as required in subrule 8.7(2), and will be used by the state to determine if the insurance company has five hundred employees participating as required in the rules.

If the minimum qualification is not being maintained, written notification will be provided to the insurance company, giving them ninety days to meet the minimum qualification. If, at the end of the ninety-day period, the minimum qualification has not been attained, the insurance deduction for all participating employees in that company will be terminated.

8.7(15) State held harmless. Insurance companies shall indemnify and save the state harmless against any and all claims, demands, suits, or other forms of liability which may arise out of any action taken or not taken by the state for the purpose of complying with the provisions of this chapter.

ARC 4646

WATER, AIR AND WASTE MANAGEMENT [900]

WATER, AIR AND WASTE
MANAGEMENT COMMISSION

NOTICE OF INTENDED ACTION

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

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

Pursuant to the authority of Iowa Code sections 455B.105, 455B.133, 455B.173 and 455B.304, the Water, Air and Waste Management Commission hereby gives Notice of Intended Action to amend Chapters 20, 23, 65, 69, 101, 102, 103, 104, 105, and 106, Iowa Administrative Code.

The Department recently concluded a review of all of its rules to identify inconsistencies in the rules, and to identify requirements on the regulated public that do not contribute to environmental management. As a result of that review, the Commission proposes the amendments and rescissions described below.

Items 1 to 5 and 7 to 10 would rescind sixteen requirements or standards. Eight of the requirements, which would be rescinded by Items 5, 8, 9 and 10; apply to facilities that process or dispose of solid waste. These provisions require the facilities to have telephones and sanitary facilities for personnel on site. Since these requirements relate to employee protection rather than environmental considerations, the Commission proposes to rescind them. Item 5 would also rescind a requirement relating to litter control at sanitary landfills.

Items 1 and 2 relate to odorous substances. Rule 20.4(455B), which would be rescinded by Item 1, prescribes a procedure for the handling of odor complaints by the Department. Subrules 23.5(1) and 23.5(2), which would be rescinded by Item 2, establish the odor standards. The procedure has proven to be unduly cumbersome and nonproductive. It requires a great deal of staff time, yet rarely, if ever, results in a satisfactory settlement of odor complaints. Because the procedure is ineffective, and because the Commission believes odor problems are primarily a local issue, the rescission of these standards and the procedure are proposed.

As an alternative to rescind, the Commission seeks comments on restricting the applicability of the existing odor rules to those situations where private persons would be precluded by Iowa Code section 172D.2 from maintaining their own civil action for nuisance based upon odors from livestock feedlots.

Rule 101.4(455B), which would be rescinded by Item 3, prescribes requirements for the storage, collection, and transportation of solid waste. The Commission believes storage and collection of solid waste is more appropriately regulated by the local health board. Transportation concerns are already addressed by statutes administered by the Department of Transportation.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Rule 101.7(455B), which would also be rescinded by Item 3, established standards for the closing of open dumps by July 1, 1975. This rule was promulgated to ensure the proper closure of open dumps by July 1, 1975, which was the statutory deadline for counties and cities to provide for their residents permitted solid waste disposal facilities. Since the deadline is long past, and since no open dumps could be started legally after that deadline, the Commission proposes to rescind this rule.

Paragraph 103.2(1)"l," which would be rescinded by Item 4, imposes a requirement that sanitary landfills be separated from airport runways by prescribed distances. This paragraph is based upon a converse regulation of the Federal Aviation Administration that prescribes the same separation distances between runways and landfills. Because the FAA is responsible for air safety, rather than the Commission, and because the sole purpose of this rule is to provide air safety, the Commission proposes to rescind the rule.

Subrule 104.2(4), which would be rescinded by Item 7, requires that dumping pits at solid waste processing facilities have curbs or tie-downs to prevent trucks from falling into the pits. Because this requirement relates to worker safety rather than environmental considerations, the Commission proposes to rescind this subrule.

Item 6 would amend the litter control requirements for all sanitary disposal projects. Subrule 102.13(2) already requires sanitary disposal projects to clean up all litter outside the operating area at the end of each day of operation. As amended, the subrule would additionally require that all litter be confined to the property on which the project is located.

Item 11 would amend the minimum requirements for control of wastes from animal feeding operations. The amendment would remove the requirement that settleable solids be removed before the waste is discharged from the property on which the operation is located. The Department's experience has been that most complaints regarding this rule have involved neighborhood disputes, with little or no environmental consequence. The Commission believes these disputes can be adequately resolved by the parties with no adverse environmental effects, and therefore proposes to remove this requirement.

Items 12 and 13 eliminate inconsistencies between the rules for disposal of sludge from private sewage disposal systems and the rules for solid waste disposal. Under the proposed amendments, this sludge (primarily from septic tanks) may be disposed by discharge to a sewer system, land application in accordance with Chapter 121, discharge to permitted sludge lagoons or drying beds, discharge to permitted incinerators, or by disposal at a permitted landfill.

Any interested person may make oral comments on these proposed amendments on May 30, 1984, at 10:00 a.m. in the Fifth Floor Conference Room, Henry A. Wallace Building, Des Moines, Iowa. Any interested person may submit written comments on these proposed amendments prior to June 9, 1984, by submitting those comments to the Executive Director, Department of Water, Air and Waste Management, Henry A. Wallace Building, Des Moines, Iowa 50319.

These rules are intended to implement Iowa Code sections 455B.105, 455B.133, 455B.173 and 455B.304.

The following amendments are proposed:

ITEM 1. Rule 900—20.4(455B) is rescinded.

ITEM 2. Rule 900—23.5(455B) is amended as follows:
Amend the catchwords as follows:

900—23.5(455B) Odorous substances Anaerobic lagoons.

Further amend 23.5(455B) by rescinding subrules 23.5(1) and 23.5(2), and by renumbering subrules 23.5(3) and 23.5(4) as 23.5(1) and 23.5(2), respectively.

ITEM 3. Rescind rules 900—101.4(455B) and 900—101.7(455B), and renumber rule 900—101.5(455B) as 101.4(455B), renumber 101.6(455B) as 101.5(455B), 101.8(455B) as 101.6(455B).

ITEM 4. Rescind paragraph 103.2(1)"l" and renumber paragraph 103.2(1)"m" as 103.2(1)"l."

ITEM 5. Rescind paragraphs 103.2(2)"b," "c" and "d," and reletter paragraphs 103.2(2)"e" through "s" as paragraphs "b" through "p."

ITEM 6. Subrule 102.13(2) is amended to read as follows:

102.13(2) Litter shall be confined to the property on which the sanitary disposal project is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

ITEM 7. Rescind subrule 104.2(4).

ITEM 8. Rescind subrules 104.10(10) and 104.10(11), and renumber subrules 104.10(12), 104.10(13), and 104.10(14) as 104.10(10), 104.10(11) and 104.10(12).

ITEM 9. Rescind subrules 105.2(7) and 105.2(8), and renumber subrules 105.2(9), 105.2(10), and 105.2(11) as 105.2(7), 105.2(8), and 105.2(9).

ITEM 10. Rescind subrules 106.2(4) and 106.2(5), and renumber subrules 106.2(6), 106.2(7), and 106.2(8) as 106.2(4), 106.2(5) and 106.2(6).

ITEM 11. Subrule 65.2(1), first paragraph, is amended to read as follows:

65.2(1) The minimum level of waste control for any animal-feeding operation shall be the removal of settleable solids from the wastes prior to discharge into a water of the state, or discharge from the property on which the operation is located, unless such solids removal is to be accomplished on other property through written agreement with another person.

ITEM 12. Subrule 69.17(1) is amended to read as follows:

69.17(1) Methods of sludge disposal.

a. Discharge to a municipal or other approved permitted central sewer system.

b. Application by spreading on farm ground not used to grow crops which may be eaten raw by humans. Such application must be done in such a manner as to prevent the development of any health hazard, water pollution or nuisance condition. Land application in accordance with subrule 121.3(2).

c. Discharge to permitted sludge lagoons or sludge drying beds.

d. Discharge to an approved a permitted incineration device.

e. Discharge to an approved sanitary landfill. Landfilling in accordance with chapters 102 and 103 of these rules.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

ITEM 13. Subrule 102.14(3), paragraphs "a" and "c," are amended to read as follows:

a. Unstabilized sewage sludge, including *unstabilized* septic tank pumpings, shall not be disposed in *the portion* of a sanitary landfill open to the public. Sewage sludge, *whether stabilized or unstabilized*, may be disposed of at a sanitary landfill as provided in chapter 103 or 121.

b. Stabilized and unstabilized ~~municipal~~ sewage sludge may be disposed of by land application in accordance with chapter 121.

These rules are intended to implement Iowa Code sections 455B.105, 455B.133, 455B.173 and 455B.304.

ARC 4641

WATER, AIR AND WASTE
MANAGEMENT[900]WATER, AIR AND WASTE
MANAGEMENT COMMISSION

NOTICE OF INTENDED ACTION

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

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

Pursuant to Iowa Code section 455B.133, the Water, Air and Waste Management Commission intends to amend Chapter 22, "Controlling Pollution," which pertains to air quality construction permit requirements. The primary reason for the proposed amendments is to correct deficiencies in the emission offset requirements which have prevented acceptance of Iowa's new source review rules by the U.S. Environmental Protection Agency.

The Iowa state implementation plan (SIP) for the control of air pollution was conditionally approved by EPA on March 6, 1980, at 45 Fed. Reg. 14561. One of those conditions of approval was based upon a commitment made by the state of Iowa to revise the permit regulations to achieve consistency with federal law. Subsequently, on August 7, 1980, major revisions to the federal emission offset interpretive ruling were published at 45 Fed. Reg. 52676. These revised federal rules, among other things, required states to adopt the definitions contained in that federal rule or make a showing of equivalence for alternate definitions.

Amendments to the Iowa Administrative Code were then proposed and implemented (ARC 1476, October 15, 1980, IAB, and ARC 1678, January 7, 1981, IAB) to meet the requirements of the August 7, 1980 emission offset interpretive ruling. Despite the adoption of the federal definitions, the U.S. Environmental Protection Agency felt that additional changes were needed before Iowa's offset rule could be approved as part of the SIP. The amendments which are proposed at this time are intended to overcome any deficiencies which may be perceived by EPA as cause for not approving the offset rule. The changes proposed and the reasons for those changes are as follows:

Item 1 would add language to rule 900—22.3(455B) which makes it clear that the issuance of an approval to construct does not relieve the applicant of the responsibility to comply with all other local, state and federal laws.

Item 2 revises the "potential to emit" definition at paragraph 22.5(1)"c" so that fugitive emissions from nonlisted industrial categories are included in a source's potential to emit, but are not applicable for a positive major source determination if that nonlisted source would be major only by inclusion of those fugitive emissions. In other words, a nonlisted industry which has less than 100 tons of stack emissions will not become a major source if consideration of their fugitive emissions brings total emissions above 100 tons, which is the cutoff point for major sources.

Item 2 also modifies the "lowest achievable emission rate" (LAER) definition, paragraph 22.5(1)"d," by removing references to volatile organic compound emissions. This makes it possible to specify design, equipment, work practice and operational standards as part of LAER for any regulated air pollutant. This can lead to reduced control costs because the measures listed above can be less expensive to implement than a strategy totally oriented toward emission control devices.

Item 2 adds a provision to the "net emission increase" definition, paragraph 22.5(1)"f," which states that emission offsets are not creditable if they have been used for showing reasonable further progress toward attainment of the ambient air quality standards. Emission offsets are to be a provision for accommodating new source growth and are not meant to be a substitute for a SIP control strategy even though they may provide some small, incremental air quality benefit. It also adds a subparagraph, 22.5(1)"f"(7), to clarify that changes in total plant emissions may not be netted-out to avoid the offset requirements.

Item 2 modifies the definition of "enforceable permit conditions" to assure that this definition meets the test of federal enforceability. There are enforcement powers available to the executive director of Iowa's Water, Air and Waste Management Department which are not available to the administrator of the U.S. Environmental Protection Agency.

Item 3 would eliminate the exemption from obtaining offsets in carbon monoxide nonattainment areas. This exemption was based upon the technical assertion that new source growth could be accommodated in the Des Moines area without the need for offsetting emission decreases. It was projected that the standards would be attained by December 31, 1982. The fact that air quality violations have been recorded after the projected attainment date is proof that the SIP cannot presently be considered accommodative. The requirement to show that new source growth could be accommodated without offsets would assure that one new source would not consume all of the accommodation for growth in any future SIP strategy.

Item 3 amends one paragraph in subrule 22.5(2) to clarify that the rule applies to any regulated air contaminant.

Item 3 also adds a new paragraph to subrule 22.5(2). That new paragraph deals with the change in status of a minor source which becomes major by virtue of a permit relaxation. Such a source would be treated as a new major source and would be subject to offset requirements and lowest achievable emission rates (LAER requirements).

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Item 4 modifies references to particulate nonattainment areas in the section of the rule, paragraph 22.5(4)"b," which deals with the required offset ratio. This paragraph is revised so that offset ratios apply to any criteria pollutant.

Item 4 modifies paragraph 22.5(4)"c" such that offset credit for uncontrolled existing sources will be given only for reductions in a source's potential to emit rather than reductions below their SIP allowable level.

It requires that a permit amendment must be issued before offset credit can be granted for emission reductions obtained by fuel switching, paragraph 22.5(4)"f."

It also requires the source owner or operator to notify the affected work force of source shutdown or curtailment to receive emission offset credit.

Item 5 amends subrule 22.5(5) to clarify that banked offsets are not intended to be property, and to describe the circumstances under which banked offsets may be reduced or canceled.

Item 6 revises rule 900—22.6(455B) by adding the reference to designated nonattainment areas.

Any interested person may file written comments on the above proposed rule changes through June 21, 1984, with the executive director of the Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319. Persons are also invited to present oral or written comments at a public hearing which will be held on June 11, 1984, at 10:00 a.m. in the Fifth Floor Conference Room, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

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

The following amendments are proposed:

ITEM 1. Amend subrule 22.3(3) by adding the following paragraph:

g. The issuance of a permit or conditional permit (approval to construct) shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirement under local, state or federal law.

ITEM 2. Subrule 22.5(1) is amended as follows:

Strike paragraph 22.5(1)"c" and insert in lieu thereof the following:

c. "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

The provisions of this paragraph do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

- Coal cleaning plants (with thermal dryers);
- Kraft pulp mills;
- Portland cement plants;
- Primary zinc smelters;
- Iron and steel mills;

- Primary aluminum ore reduction plants;
- Primary copper smelters;
- Municipal incinerators capable of charging more than 250 tons of refuse per day;
- Hydrofluoric, sulfuric, or nitric acid plants;
- Petroleum refineries;
- Lime plants;
- Phosphate rock processing plants;
- Coke oven batteries;
- Sulfur recovery plants;
- Carbon black plants (furnace process);
- Primary lead smelters;
- Fuel conversion plants;
- Sintering plants;
- Secondary metal production plants;
- Chemical process plants;
- Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- Taconite ore processing plants;
- Glass fiber processing plants;
- Charcoal production plants;
- Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act, 42 U.S.C. sections 7401 et seq.

Amend subparagraph 22.5(1)"d"(2) to read as follows:

(2) The most stringent emission limitation which is achieved in practice by such class or category of source.

This term, applied to a modification, means the lowest achievable emission rate for the new or modified emission units within the stationary source.

~~For the control of volatile organic compound (VOC) emissions;~~ This term may include a design, equipment, material, work practice or operational standard or combination thereof.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any regulated air contaminant in excess of the amount allowable under applicable new source standards of performance.

Amend subparagraph 22.5(1)"f"(5) to read as follows:

(5) A decrease in actual emissions is creditable only to the extent that:

The old level of actual emissions or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

It is an enforceable permit condition at and after the time that actual construction on the particular change begins;

The executive director has not relied on it in issuing any other permit;

Such emission decreases have not been used for showing reasonable further progress; and

It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

Amend by adding the following new subparagraph, 22.5(1)"f"(7):

(7) Increases and decreases in emissions shall be calculated solely upon the proposed modifications to specific pieces of equipment or control equipment for which a permit is requested.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Amend paragraph 22.5(1)"m" to read as follows:

m. "Enforceable permit condition" for the purpose of this rule means ~~at~~ any of the following limitations and conditions; which are enforceable by the executive director including those requirements developed pursuant to new source performance standards, prevention of significant deterioration standards, emission standards for hazardous air pollutants, requirements within the state implementation plan, and any permit requirements established pursuant to this rule, or under conditional or construction permit rules.

ITEM 3. Subrule 22.5(2) is amended as follows:

Strike paragraph 22.5(2)"d" and insert in lieu thereof the following:

d. Emission offsets are required for any regulated air contaminant for which the state implementation plan (SIP) is not accommodative at the time of application and the source cannot demonstrate that the increase in emissions from that source are within the accommodation for growth specified in the SIP.

Amend paragraph 22.5(2)"e" to read as follows:

e. Emission offsets for any regulated air contaminant in the respective designated nonattainment area for that contaminant shall provide for reasonable further progress toward attainment of the applicable national ambient air quality standards and provide a positive net air quality benefit in the affected area.

Amend subrule 22.5(2) by adding the following paragraph:

f. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

ITEM 4. Subrule 22.5(4) is amended as follows:

Amend paragraph 22.5(4)"b" to read as follows:

b. Offset ratio. The ratio of emission offsets to the new emissions of a major source or major modification that affects a primary standard nonattainment area is at least 1.25:1; that is, for every ton of new particulate emissions, there shall be at least 1.25 tons of particulate emission offsets. For a major source or major modification that affects ~~a~~ an area other than a primary particulate secondary standard nonattainment area, the ratio must be greater than 1:1.

Amend paragraph 22.5(4)"c" to read as follows:

c. Control of uncontrolled existing sources. If control equipment is proposed for a presently uncontrolled existing source for which controls are not required by rules, then credit may be allowed for any reduction below the state implementation plan (SIP) allowable level source's potential to emit. The reduction shall be proposed at the time of permit application. Any such reductions which occurred prior to January 1, 1978, shall not be accepted for offsets.

Amend paragraph 22.5(4)"f" to read as follows:

f. Fuel switching credits. Credit may be allowed for fuel switching provided there is a demonstration by the applicant that supplies of the cleaner fuel will be available to the applicant for a minimum of five years. The demonstration must include, as a minimum, a written contract with the fuel supplier that the fuel will not be interrupted. The permit for the existing source shall be amended to provide for maintaining those offsets resulting from the fuel switching before offset credit will be granted.

Amend paragraph 22.5(4)"g" to read as follows:

g. Reducing operating hours. If the emissions from a major source or major modification are proposed to be offset by reducing the operating times of another existing source, then credit may be allowed. The reduced operating hours shall be incorporated in the permit of the existing source as a condition of expected performance and the affected work force shall be notified of the proposed curtailment by the source owner or operator.

Amend paragraph 22.5(4)"i" to read as follows:

i. Closing of existing sources or plant. Emission offsets may be allowed if it is proposed that a source or group of sources will be closed down to offset the new emissions. It is not necessary that the source shut down before a permit is issued; however, the shutdown must occur prior to start-up of the new source. ~~An allowance for an interim period when both new and old sources are operating (while the new source is being debugged) may be considered. The affected work force shall be notified of the proposed shutdown by the owner or operator.~~

ITEM 5. Amend subrule 22.5(5) to read as follows:

22.5(5) Banking of offsets in nonattainment areas. If the offsets in a given situation are more than required by 22.5(4)"b," the amount of offsets that is greater than required may be banked for the exclusive use or control of the person achieving the reduction; subject to the limitations of this subrule. If the person achieving the reduction is not an individual, an authorized representative of the person must release control of the banked emissions in writing before another person, other than the commission, can utilize the banked emissions. The banking of offsets creates no property right in those offsets. The commission may proportionally reduce or cancel banked offsets if it determines that reduction or cancellation is necessary to demonstrate reasonable further progress or to attain the ambient air quality standards. Prior to reduction or cancellation, the commission shall notify the person who banked the offsets.

ITEM 6. Amend rule 900—22.6(455B) to read as follows:

900—22.6(455B) Nonattainment area designations. Section 107(d) of the federal Clean Air Act, 42 U.S.C. section 7457(d), requires each state to submit to the administrator of the federal Environmental Protection Agency a list of areas, that exceed the ambient air quality standards, that are lower than those standards, or that cannot be classified on the basis of current data. A list of Iowa's nonattainment area designations is found at 40 C.F.R. Part 81.316. The commission uses the document entitled "Criteria for Revising Nonattainment Area Designations" (June 14, 1979) to determine when and to what extent the list will be revised and resubmitted.

ARC 4651**COMMERCE COMMISSION[250]**

The Iowa State Commerce Commission hereby gives notice that on April 20, 1984, the Commission issued an order in Docket No. RMU-84-6, In Re: Energy Adjustment Clause, "Order Adopting And Implementing Rules On An Emergency Basis," and pursuant to the authority of Iowa Code sections 17A.4 and 17A.5, amended Iowa Administrative Code 250. On April 27, 1983, the Senate amended and passed House File 312 [1983 Iowa Acts, chapter 127] to become effective July 1, 1983. Section 21 of that Act is a new subsection that requires "if an automatic adjustment is used, the adjustment must be reduced to zero at least once in every twelve-month period, and all appropriate charges collected by the automatic adjustment shall be incorporated in the utility's other rates at that time." This rule implements this new subsection [1983 Iowa Code Supplement, section 476.6, subsection 11].

In compliance with Iowa Code section 17A.4(2), the Commission finds that public notice and participation in

this rulemaking is unnecessary, since the rule merely implements the requirements prescribed by the newly adopted legislation.

In compliance with Iowa Code section 17A.5(2)"b"(1), the Commission finds that the normal effective date of the subrule, thirty-five days after publication in the Iowa Administrative Bulletin, should be waived and the subrule made effective April 23, 1984. The subrule benefits the public by making our agency's rules consistent with the new legislation.

Rule 250—20.9(476) is amended by adding the following new subrule:

20.9(4) If a utility uses automatic adjustments of rates and charges, the adjustment must be reduced to zero by a filing on May 1 effective June 1. All appropriate charges collected by the automatic adjustment shall be incorporated in the utility's other rates at that time.

[Filed emergency 4/20/84, effective 4/23/84]
[Published 5/9/84]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/9/84.

ARC 4650

COMMERCE COMMISSION[250]

The Iowa State Commerce Commission hereby gives notice that on April 16, 1984, the Commission issued an order in RMU-84-2, In Re: Late Payment Charge, "Order Adopting Rules," amending Iowa Administrative Code 250—chapters 19 and 20. Notice of Intended Action was published in the February 15, 1984, Iowa Administrative Bulletin as **ARC 4465**.

The adopted rules contain a change from the rules published in the Notice of Intended Action. In the adopted rules, the proposed change reducing the amount that could be assessed on the remaining balance covered by a reasonable payment plan has been deleted. This action was the result of written comments.

The amendments to Iowa Administrative Code 250—chapters 19 and 20 are intended to implement 1983 Iowa Acts, chapter 127, section 37 [1983 Iowa Code Supplement, section 476.54]. The rules will become effective on June 13, 1984, pursuant to Iowa Code section 17A.5.

ITEM 1. Amend **19.4(8)"f"** to read as follows:

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

ITEM 2. Amend third unnumbered paragraph of subrule **19.4(11)** to read as follows:

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

ITEM 3. Amend **20.4(9)"f"** to read as follows:

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

ITEM 4. Amend the third unnumbered paragraph of subrule **20.4(12)** to read as follows:

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

[Filed 4/20/84, effective 6/13/84]

[Published 5/9/84]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/9/84.

ARC 4638

ENERGY POLICY COUNCIL[380]

Pursuant to the authority of Iowa Code section 93.7(10), the Energy Policy Council hereby adopts amendments to 380—Chapter 11, "Contested Case Proceeding," Iowa Administrative Code.

The revised rules clarify and expand the rights and remedies available to appellants under the contested case proceeding, and prescribe the procedure to request a rehearing under these rules.

These rules are identical to those published under Notice of Intended Action in the Iowa Administrative Bulletin on October 12, 1983, **ARC 4108**.

A public hearing was held on November 18, 1983, and written comments were requested by this date. No comments, oral or written, were received.

These rules were adopted by the Energy Policy Council on April 12, 1984, and will become effective on June 13, 1984, after filing with the administrative rules coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Amend chapter 11 by adding the following new rule:

380—11.15(93) Final and proposed decisions—appeal to council.

11.15(1) Proposed decision. If the hearing is conducted by a hearing officer as provided in rule 11.9(93), the decision of the hearing officer is a proposed decision and subject to the review provisions of 380—chapter 11.

11.15(2) Notice of decision. Parties shall be promptly notified of each proposed or final decision or order by the delivery to them of a copy of such decision or order either by personal service as in civil actions or by certified mail return receipt requested. The date of issuance as it affects that party's time for seeking further review or rehearing shall be the date of service if by personal service or the date of mailing if served by mail.

11.15(3) Appeal of proposed decision. A proposed decision as described in subrule 11.15(1) becomes a final decision of the council unless appealed to the council in accordance with the following procedure.

11.15(4) Notice of appeal. Any adversely affected party, including EPC staff, may appeal a proposed decision by serving on the director, either in person or by certified mail, a notice of appeal within thirty days after the issuance of the proposed decision. The director shall serve a copy of the notice of appeal upon all other parties to the contested case proceeding, including EPC staff. Any other party may then file a cross-appeal by filing a notice of appeal within ten days of service of the notice of appeal.

11.15(5) Formulation of issues on appeal. Within fifteen days after service of the notice of appeal, the appellant shall serve ten copies of its exceptions, brief, and argument on the director and serve one copy to each party. The exceptions shall set forth each finding of fact

ENERGY POLICY COUNCIL[380] (cont'd)

and conclusion of law challenged by the appellant and the grounds on which it is asserted the proposed decision should be reversed or modified. If it is contended that there is no substantial evidence to support a finding of fact, the appellant shall cite all evidence in the record relative to such finding. Any request for the taking of additional evidence shall conform to the requirements of subrule 11.16(2).

Within fifteen days of service of the appellant's exceptions, brief, and argument, any other party may submit a responsive brief and argument.

Any party may request oral argument by filing a request within the time designated for filing of its brief.

11.15(6) Record on appeal. Unless the council grants an application for the taking of additional evidence, the council will render its decision on the basis of the record before the hearing officer and the written submissions.

If the council grants a request for oral argument or a request for the taking of additional evidence or orders such on its own motion, the director shall notify all parties of the date, time, and place of the argument of hearing.

ITEM 2. Renumber rules **11.15(93)**, **11.16(93)** and **11.17(93)** as **11.16(93)**, **11.17(93)** and **11.18(93)**.

ITEM 3. Amend renumbered rule **11.17(93)** as follows:

380—11.17(93) Ruling on application for rehearing. The council shall consider and rule on an application for rehearing within twenty days as provided for in section **17A.16(2)**. *The council or the director shall grant or deny a request for rehearing within twenty days of its filing. If granted, the director shall schedule the hearing and shall notify the parties of the time, place, and date of any oral argument or taking of additional evidence, if permitted.*

ITEM 4. Amend renumbered rule **11.18(93)** as follows:
380—11.18(93) Time.

11.18(1) Computation. In computing any period of time prescribed or allowed by this chapter or by an applicable statute, the day of the act, event, or default from which the designated period begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday; otherwise Saturdays, Sundays and legal holidays shall be included in computing the period.

11.18(2) Extension. When by this chapter, or by notice given thereunder, an act is required or allowed to be done within a specified time, except for the time limits provided for filing notice of appeal or request for hearing or any where mandatory periods are established by statute, the council may at any time exercise discretion and:

a. With or without motion or notice, for good cause, order the period extended if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or

b. Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

11.18(3) Mail. Any documents which may be filed with the council by mail pursuant to these rules shall be deemed filed on the date of postmark.

[Filed 4/17/84, effective 6/13/84]

[Published 5/9/84]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/9/84.

ARC 4644

NURSING, BOARD OF[590]

Pursuant to the authority of Iowa Code sections **17A.3**, **147.53**, and **152.1**, the Iowa Board of Nursing adopts amendments to Chapter 7, "Advanced Registered Nurse Practitioners" appearing in the Iowa Administrative Code.

These rules generally define the education and areas of practice of the certified obstetric-gynecologic nurse practitioner.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 29, 1984, as **ARC 4474**. These rules are identical to those published as Notice of Intended Action.

These rules implement Iowa Code sections **17A.3**, **147.53**, and **152.1**.

These rules will become effective on June 13, 1984.

ITEM 1. Rule **590—7.1(152)** is amended by adding the following new subrule:

7.1(11) Certified obstetric-gynecologic nurse practitioner. The certified obstetric-gynecologic nurse practitioner is an advanced registered nurse practitioner educated in the disciplines of nursing and reproductive health care of women who possesses evidence of certification by the Nurses' Association of the American College of Obstetricians and Gynecologists Certification Corporation or a successor agency as approved by the board.

The certified obstetric-gynecologic nurse practitioner is authorized by rule to practice advanced nursing in the promotion of wellness and prevention of illness in the reproductive health care of women. In concert with the physician, care includes: Management of the prenatal patient with delivery by the physician; family planning services; and routine gynecologic care throughout the life span.

The certified obstetric-gynecologic nurse practitioner may practice in a variety of settings that provide for medical consultation, collaborative management, and referral.

ITEM 2. Subrule **7.2(1)** is amended by adding the following new paragraph "f.":

f. Obstetric-gynecologic nurse practitioner.

[Filed 4/20/84, effective 6/13/84]

[Published 5/9/84]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/9/84.

ARC 4649

NURSING HOME ADMINISTRATORS
BOARD OF EXAMINERS[600]

Pursuant to the authority of Iowa Code section **258A.2**, the Nursing Home Administrators Board of Examiners hereby amends subrule **3.2(2)** of the Iowa Administrative Code relating to continuing education.

The Board adopted the amendment April 13, 1984.

NURSING HOME ADMINISTRATORS BOARD OF EXAMINERS[600] (cont'd)

Notice of Intended Action regarding the proposed action was published in the Iowa Administrative Bulletin January 18, 1984, as **ARC 4411**.

The subrule amendment removes provisions concerning continuing education no longer pertinent and removes the grace period to complete continuing education requirements.

The subrule amendment is the same as published under Notice of Intended Action.

The rule is intended to implement Iowa Code section 258A.2.

The rule shall become effective June 14, 1984.

Subrule 3.2(2) is amended to read as follows:

3.2(2) The continuing education compliance year shall extend from January 1 to December 31, during which period attendance at approved continuing education programs may be used as evidence of fulfilling continuing education requirements for the subsequent license renewal year. A licensee shall have a grace period of not less than thirty-one days until January 31 of the following year to complete continuing education requirements. The report of continuing education during the grace period shall be submitted not later than January 31.

Beginning October 1, 1981, the continuing education compliance period shall extend from October 1 of one odd-numbered year of a biennium to September 30 of the next odd-numbered year of the biennium during which period attendance at approved continuing education programs may be used as evidence of fulfilling continuing education requirements for the subsequent license renewal period beginning January 1. A licensee shall have a grace period of not more than thirty-one days until October 31 to complete continuing education requirements.

[Filed 4/20/84, effective 6/14/84]

[Published 5/9/84]

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ARC 4645

WATER, AIR AND WASTE MANAGEMENT[900]

WATER, AIR AND WASTE MANAGEMENT COMMISSION

Pursuant to Iowa Code sections 455B.105 and 455B.173, the Water, Air and Waste Management Commission amends 900—Chapter 63, "Monitoring, Analytical and Reporting Requirements" pertaining to wastewater operation permits.

Notice of Intended Action was published in the February 15, 1984, IAB, as **ARC 4472**. An opportunity for oral comment was held in Des Moines on March 6, 1984, and these rule changes were adopted on April 17, 1984. Changes from the notice, made in response to public comments, are as follows:

1. Subrule 63.3(3) is clarified to allow monitoring of industrial contributors to certain municipal systems, in accordance with an approved pretreatment program in lieu of the requirements of the Tables. [Item 4.]

2. Monitoring requirements for industrial contributors to municipal systems are further clarified in Table II by adding a footnote stating that the frequencies under the heading "Final" rather than "Raw" are to be used, and another footnote stating that settleable solids monitoring is not required.

3. Footnote #5 to Table I is amended by adding a subpart (c) clarifying that automatic sampling equipment can be used to take composite samples.

4. Table VII is amended by allowing two additional testing methods - #312B (Standard Methods Vol. 15) for chromium VI, and #503c (Standard Methods Vol. 15) for oil and grease.

5. Table III is amended by deleting the word "Minimum" from the table, and 63.3(4) is amended by adding language from the notice preamble regarding purpose.

These rules will become effective on June 13, 1984.

ITEM 1. Amend 900—chapter 63 by striking rules **63.1(455B)** to **63.7(455B)**, and **63.13(455B)**.

ITEM 2. Amend 900—63.8(455B) by renumbering it as 63.1(455B) and amending the text to read as follows:

900—63.1(455B) Guidelines establishing test procedures for the analysis of pollutants. Only the procedures prescribed in this chapter shall be used to perform the measurements indicated in: An application for an operation permit submitted to the department, a report required to be submitted by the terms of an operation permit, and a certification issued by the department pursuant to section 401 of the Act.

63.1(1) Identification of test procedures. Every parameter or pollutant for which an effluent limitation is now specified in an effluent limitation adopted by reference in chapter 62, together with test descriptions and references is are named in Table I VII. The parameters for which testing is required must be determined by one of the standard approved analytical methods described in Table I VII or, under certain circumstances, by other methods that may be more advantageous to use when such other methods have been previously approved by the executive director pursuant to 63.81(2). Under certain circumstances the executive director may determine for a particular discharge that additional parameters must be reported; Under such circumstances, additional test procedures for analyses of pollutants may be specified by the executive director pursuant to 63.8(2). Samples collected for operational testing pursuant to 63.3(4) need not be analyzed by approved analytical methods described in Table VII; however, commonly accepted test methods should be used.

63.1(2) Application for alternate test procedures.

a. Any person may apply to the EPA regional administrator through the executive director for approval of an alternate test procedure.

b. The application for an alternate test procedure may be made by letter in triplicate and shall:

(1) (Same)

(2) (Same)

(3) Provide justification for using test procedures other than those specified in Table I VII.

63.1(3) Required containers, preservation techniques and holding times. All samples collected in accordance with self-monitoring requirements as defined in an operation permit shall comply with the container, preservation techniques, and holding time requirements as specified in

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VI. Sample preservation should be performed immediately upon collection, if feasible.

ITEM 3. Amend 900—63.9(455B) by renumbering it as 63.2(455B) and amend the renumbered subrule 63.2(1) to read as follows:

63.2(1) The permittee shall maintain records of all information resulting from any monitoring activities required in its NPDES operation permit.

ITEM 4. Amend 900—63.10(455B) by renumbering it as 63.3(455B) and amending the text to read as follows:

900—63.3(455B) Monitoring by publicly owned treatment works and privately owned domestic sewage treatment works. Minimum self-monitoring requirements in permits.

63.3(1) Self-monitoring of discharge. *Monitoring by organic waste dischargers.* The minimum self-monitoring requirements to be incorporated in the operation permits for a publicly owned waste water treatment plant or a privately owned domestic sewage treatment works facilities discharging organic wastes shall be the appropriate requirements in Tables I, II, and IV. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of waste waters, industrial contribution to the system, complexity of the treatment process, history of noncompliance or any other factor which requires strict control to meet the effluent limitations of the permit.

63.3(2) Monitoring of major contributing industries. *Industrial contributors to publicly owned treatment works.* All major contributing industries as defined in 40 CFR §128.124 and 60.2(455B) of these rules and industrial contributors that are subject to national pretreatment standards to publicly owned treatment works and privately owned domestic sewage treatment works shall be monitored and in accordance with the requirements in Tables I, II and V, provided that the monitoring program of a publicly owned treatment works with a pretreatment program approved by the department may be used in lieu of the tables. The results of such monitoring shall be reported submitted to the department in accordance with the testing and reporting requirements in the operation permit.

63.3(4) Operational monitoring. *The minimum operational monitoring to be incorporated in permits shall be the appropriate requirements in Table III. These requirements reflect minimum indicators that any adequately run system must monitor. The department recognizes that most well-run facilities will be monitored more closely by the operator as appropriate to the particular system. However the results of this monitoring need not be reported to the department. Operational monitoring requirements may be modified or reduced at the discretion of the executive director when adequate justification is presented by the permittee that the reduced or modified requirements will not adversely impact the operation of the facility. Addi-*

tional operational monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor that requires strict control to meet the effluent limitations of the permit.

ITEM 5. Renumber rule 900—63.11(455B) as subrule 63.3(2) and amend the text as follows.

63.3(2) Self-monitoring by industrial wastewater disposal systems. *Monitoring by inorganic waste dischargers.* The minimum self-monitoring requirements to be incorporated in the operation permit for an industrial wastewater system inorganic waste discharge shall be the appropriate requirement in Table III V. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of waste waters, complexity of the treatment process, history of noncompliance or any other factor which requires strict control to meet the effluent limitations of the permit.

ITEM 6. Renumber rules 900—63.12(455B) and 900—63.14(455B) to 63.18(455B), including internal references, as 63.4(455B) to 63.9(455B), respectively. Amend the text of new 63.6(455B) as follows:

900—63.6(455B) Submission of records of operation. Records of operation shall be submitted to the department within fifteen days following the close of the reporting period specified in 63.7(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the operation permit.

Further amend the text of new 63.8(455B) as follows:

900—63.8(455B) Contents of records of operation. Records of operation shall include the results of all monitoring specified in or authorized by this chapter and incorporated in the operation permit such information as the department may require based on the population or its equivalent served by the disposal system and the nature of the treatment process involved. Monitoring performed but not specified in the operation permit shall be recorded and maintained in accordance with 63.2(455B).

ITEM 7. Add a new rule 900—63.10(455B) as follows:

900—63.10(455B) Certification and signatory requirements in the submission of records of operation. All records of operation as required by these rules shall include certification which attest that all information contained therein is representative and accurate. Each record of operation shall contain the signature of a duly authorized representative of the corporation, partnership or sole proprietorship, municipality, or public facility which has proprietorship of the waste water treatment or disposal system.

ITEM 8. Strike Tables I-III at the end of 900—chapter 63 and replace them with Tables I-VII, as follows:

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table 1 Minimum Self-Monitoring in Permits for Organic Waste Discharges
Controlled Discharge Wastewater Treatment Plants

Wastewater Parameter	Sampling Location	Sample Type ⁵	Frequency by P.E. ¹				
			< 100	101- 500	501- 1,000	1,001-3,000	> 3,000
Flow ²	Raw	24-Hr Total	1/Week	Daily	Daily	Daily	Daily
	Final	Instantaneous	2/Week	Daily During Periods of Discharge			
BOD ₅ ³	Raw	24-Hr Composite	--	--	--	1/3 Months	1/Month
	Final	Grab	1/6 Months	1/Month	1/2 Weeks	1/Week	2/Week
Suspended Solids	Raw	24-Hr Composite	--	--	--	1/3 Months	1/Month
	Final	Grab	1/6 Months	1/6 Months	1/6 Months	1/3 Months	1/Month
Ammonia Nitrogen ⁴	Final	Grab	1/6 Months	1/Month	1/2 Weeks	1/Week	2/Week
pH	Raw	Grab	--	--	--	1/3 Months	1/Month
	Final	Grab	1/6 Months	1/ Month	1/2 Weeks	1/Week	2/Week

Explanation of Superscripts

- 1 - The P.E. shall be computed on the basis of the original engineering design criteria for the facility, and any modifications thereof. Where such design criteria are not available, the P.E. shall be computed using 0.167 pounds of BOD per capita per day.
- 2 - Facilities serving a population equivalent less than 100 are not required to provide continuous flow measurement but are required to provide manual flow measurement at the specified frequency. Facilities serving a population equivalent greater than 100 are required to provide continuous flow measurement of the raw waste but need only provide manual flow measurement on the final effluent. Acceptable flow measurement and recording techniques shall be those described in the "Iowa Wastewater Facilities Design Standards" Chapter 14 (14.7.2).
- 3 - In addition to the sampling required above, for controlled discharge facilities following a period of storage for more than six weeks, a grab sample of the lagoon cell contents collected near the outfall structure shall be analyzed at least two weeks prior to an anticipated discharge to demonstrate that the wastewater is of such quality to meet the effluent limitations in the permit. Where the analyses indicate that wastewater quality does not meet the effluent limitations, storage shall be continued until further analyses indicate the wastewater quality is satisfactory for discharge.
- 4 - Ammonia nitrogen monitoring is required only for facilities with an ammonia effluent limitation.
- 5 - The meanings of sample types are:

"Grab Sample" means a representative, discrete, portion of the sewage, industrial waste, other waste, surface water or groundwater taken without regard to flow rate.

"24-Hr Composite" means:

- a. For facilities where no significant industrial waste is present, a sample made by collecting a minimum of six grab samples taken four hours apart and combined in proportion to the flow rate at the time each grab sample was collected. (Generally, grab samples should be collected at 8:00 a.m., 12:00 a.m. (noon), 4:00 p.m., 8:00 p.m., 12:00 p.m. (midnight) and 4:00 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection.)

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table I Minimum Self-Monitoring in Permits for Organic Waste Discharges
- Continued -

- b. For facilities where significant industrial waste is present, a sample made by collecting a minimum of twelve grab samples taken two hours apart and combined in proportion to flow rate at the time each grab sample was collected. (Generally, grab samples should be collected at 8:00 a.m., 10:00 a.m., 12:00 a.m. (noon), 2:00 p.m., 4:00 p.m., 6:00 p.m., 8:00 p.m., 10:00 p.m., 12:00 p.m. (midnight), 2:00 a.m., 4:00 a.m. and 6:00 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection).
- c. An automatic composite sampling device may also be used for collection of flow proportioned or time proportioned composite samples.

Table II Minimum Self-Monitoring in Permits for Organic Waste Discharges
Continuous Discharge Wastewater Treatment Plants

Wastewater Parameter	Sampling Location	Sample Type ^{4,6}	Frequency by P.E. ^{1,9}						
			< 100	101- 500	501- 1,000	1,001- 3,000	3,001- 15,000	15,001-105,000	> 105,000
Flow ²	Raw or Final	24-Hr Total	1/Week	Daily	Daily	Daily	Daily	Daily	Daily
BOD ₅	Raw	24-Hr Comp.	---	---	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
	Final	24-Hr Comp.	1/3 Months	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
Suspended Solids	Raw	24-Hr Comp.	---	---	1/3 Months	1/Month	1/Week	2-5/Week ⁷	7/Week
	Final	24-Hr Comp.	1/3 Months	1/3 Months	1/3 Months	1/Month	1/Week	2-5/Week ⁷	7/Week
Ammonia Nitrogen ³	Final	24-Hr Comp.	1/3 Months	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
pH	Raw	Grab	---	---	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
	Final	Grab	1/3 Months	1/Month	1/Week	1/Week	2/Week	5/Week	7/Week
Fecal Coliform ⁵	Final	Grab	1/3 Months	1/3 Months	1/3 Months	1/3 Months	1/3 Months	1/3 Months	1/3 Months
Temperature	Raw	Grab	---	---	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
	Final	Grab	1/3 Months	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁷	7/Week
Settleable Solids ⁸	Final	Grab	1/Week	1/week	2/Week	2/week	3/Week	5/Week	7/Week

Explanation of Superscripts

1 - See Footnote #1, Table I.

2 - See Footnote #2, Table I.

3 - See Footnote #4, Table I.

4 - See Footnote #5, Table I.

5 - Analysis is required only when the effluent is being disinfected.

6 - For lagoons, 24-hour composite samples are not required on the final effluent, grab samples are acceptable.

7 - Generally, the frequency of sample collection and analysis shall be increased by 1/week for each additional 30,000 P.E.

8 - Not required for industrial contributors to publicly owned treatment works.

9 - The requirements for industrial contributors shall be that specified for final effluent monitoring.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table III Operational Monitoring Requirements in Permits

LAGOONS

Parameter	Sampling Location	Sample Type	Frequency by P.E. ¹						
			< 100	101- 500	501- 1,000	1,001- 3,000	3,001- 15,000	15,001-105,000	> 105,000
Cell Depth	Each Cell	Measurement	1/Week	1/Week	1/Week	2/Week	2/Week	2/Week	2/Week

AERATED LAGOONS

Dissolved Oxygen	Cell Contents	Grab	1/Month	1/2 Weeks	1/2 Weeks	1/Week	2/Week	2/Week	2/Week
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TRICKLING FILTERS

Recirculation	---	Measurement	1/Week	1/Week	1/Week	2/Week	3/Week	5/Week	7/Week
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ACTIVATED SLUDGE

MLSS	Aeration Basin Contents	Grab	1/Month	1/Week	1/Week	2/Week	3/Week	5/Week	7/Week
Dissolved Oxygen	Aeration Basin Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
Temperature	Aeration Basin Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
30-Minute Settability	Aeration Basin Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week

ANAEROBIC DIGESTER

Temperature	Digester Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
pH	Digester Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
Alkalinity	Digester Contents	Grab	---	---	---	1/Week	1/Week	2/Week	2/Week
Volatile Acids	Digester Contents	Grab	---	---	---	1/Week	1/Week	2/Week	2/Week

AEROBIC DIGESTER

Dissolved Oxygen	Digester Contents	Grab	---	---	1/Week	2/Week	3/Week	5/Week	7/Week
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CHLORINATION FACILITIES

Total Residual Chlorine	Final Effluent	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
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WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table III Operational Monitoring Requirements In Permits
- Continued -

Explanation of Superscripts

1 - See Footnote #1, Table I.

2 - Alternative test methods for operational monitoring:

Dissolved Oxygen - Pao Titration

MLSS - Spectrophotometric, Centrifuge

pH - Colorimetric Comparator

30-Minute Settleability - Standard Methods Test 213C

Alkalinity - Standard Methods Test 403

Volatile Acids - Standard Methods Test 504A

Residual Chlorine - Colorimetric Comparator

Table IV Minimum Self-Monitoring In Permits for Land Application Systems

Wastewater Parameter	Sampling Location	Sample Type ²	Flow In Million Gallons Per Day ¹		
			< 0.5	0.5 - 2.0	> 2.0
Nitrate Nitrogen	Monitoring Wells	Grab	1/3 Months	1/2 Months	1/Month
Dissolved Solids	Monitoring Wells	Grab	1/3 Months	1/2 Months	1/Month
Fecal Coliform	Monitoring Wells	Grab	1/3 Months	1/2 Months	1/Month

Volume Applied	Final ⁴	24-HR Total	Daily	Daily	Daily
Total Nitrogen	Final ⁴	24-HR Composite	1/3 Months	1/2 Months	1/Month
Total Phosphorus	Final ⁴	24-HR Composite	1/3 Months	1/2 Months	1/Month

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table IV Minimum Self-Monitoring In Permits for Land Application Systems
- Continued -

Explanation of Superscripts

- 1 - The flow to be used for determining sample frequency shall be the original engineering design, average wet weather flow, or any modifications thereof. The design flow shall be the raw wastewater flow prior to any treatment units.
- 2 - See Footnote #5, Table I.
- 3 - Monitoring wells shall be sampled according to the procedures described in Table VI.
- 4 - Final shall be the final effluent from the storage facility prior to land application.

Table V Minimum Self-Monitoring In Permits for Inorganic Waste Discharges

Category ¹	Treatment Type, Size	Wastewater Parameter	Sample Frequency	Sample Type ²	Sample Location	
I	Non-Contact Cooling Water	Flow	1/Month	24-Hr Total	Final	
		Temperature	1/Month	Grab	Final	
		pH	1/Month	Grab	Final	
II	Mining Activities					
		A. Quarry Dewatering	Suspended Solids	1/Year	Grab	Final
			pH	1/Year	Grab	Final
		B. Rock Washing	Suspended Solids	1/Month	Grab	Final
			pH	1/Month	Grab	Final
			Settleable Solids	1/Month	Grab	Final

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table V Minimum Self-Monitoring in Permits for Inorganic Waste Discharges
- Continued -

Category ¹	Treatment Type, Size	Wastewater Parameter	Sample Frequency	Sample Type ²	Sample Location
III	C. Coal Mining	Suspended Solids	1/3 Months	Grab	Final
		pH	1/Month	Grab	Final
		Iron	1/3 Months	Grab	Final
		Manganese	1/3 Months	Grab	Final
		Settleable Solids	1/Month	Grab	Final
		Inorganic Wastes ³			
III	A. Less than 0.5 MGD	Flow	1/Month	24-Hr Total	Final
		Other Pollutants	1/Month	Grab	Final
IV	B. Greater than 0.5 MGD	Flow	Daily	24-Hr Total	Final
		Other Pollutants	1/Week	Grab	Final
	Steam Electric Power Plants				
	A. Condenser Cooling	Flow	Daily	24-Hr Total	Final
		pH	1/Week	Grab	Final
		Temperature	Daily	Grab	Final
		Free Available Chlorine	1/2 Weeks	Grab	Final

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table V Minimum Self-Monitoring In Permits for Inorganic Waste Discharges
- Continued -

Category ¹	Treatment Type, Size	Wastewater Parameter	Sample Frequency	Sample Type ²	Sample Location
B.	Coal Pile Runoff	Suspended Solids	1/Month	Grab	Final
		pH	1/Month	Grab	Final
C.	Other Wastes	Suspended Solids	1/Month	Grab	Final
		Oil and Grease	1/Month	Grab	Final
		pH	1/Month	Grab	Final
V	Toxic Waste Discharges ⁴				
	A. A permit limitation of less than 1 lb toxic discharge allowed or no mass limitations (No Treatment)	Toxics	1/Month	24-Hr Composite	Final
		Flow	1/Week	24-Hr Total	Final
	B. A permit limitation of less than 1 lb toxic discharge allowed (Lagoon)	Toxics	1/2 Weeks	24-Hr Composite	Final
		Flow	1/Week	24-Hr Total	Final

WATER, AIR AND WASTE MANAGEMENT[900](cont'd)

Table V Minimum Self-Monitoring in Permits for Inorganic Waste Discharges
- Continued -

Category ¹	Treatment Type, Size	Wastewater Parameter	Sample Frequency	Sample Type ²	Sample Location
C.	A permit limitation of less than 1 lb toxic discharge allowed (Mechanical Treatment)	Toxics	1/Week	24-Hr Composite	Final
		Flow	1/Week	24-Hr Total	Raw or Final
D.	A permit limitation of 1-5 lbs toxic discharge allowed	Toxics	2/Week	24-Hr Composite	Final
		Flow	2/Week	24-Hr Total	Raw or Final
E.	A permit limitation of 5-10 lbs toxic discharge allowed	Toxics	3/Week	24-Hr Composite	Final
		Flow	Daily	24-Hr Total	Raw or Final
F.	A permit limitation of greater than 10 lbs special discharge allowed	Toxics	5-7 Week	24-Hr Composite	Final
		Flow	Daily	24-Hr Total	Raw or Final

Explanation of Superscripts

- 1 - The above categories are not mutually exclusive. Some facilities may fall within more than one category, in which case a combination of monitoring requirements from both categories will be used in establishing permit monitoring requirements.
- 2 - See Footnote #5, Table I.
- 3 - For Category III facilities, the size of the facility shall be based on the original engineering design, average wet weather flow, for the raw wastewater.
- 4 - Only those parameters demonstrated, or suspected, as a pollutant in the discharge shall be required to be monitored. Toxics include the 129 priority pollutants listed at 40 CFR Part 122.21, Appendix D (FR 14177) April 1, 1983.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VI Required Containers, Preservation Techniques, and Holding Times

Parameter	Container ¹	Preservative ²	Maximum Holding Time ³
<u>Bacterial Tests</u>			
1. Coliform, fecal and total	P,G	Cool, 4°C 0.008% Na ₂ S ₂ O ₃ ⁴	6 hours
2. Fecal streptococci	P,G	Cool, 4°C 0.008% Na ₂ S ₂ O ₃ ⁴	6 hours
<u>Chemical Tests</u>			
3. Acidity	P,G	Cool, 4°C	14 days
4. Alkalinity	P,G	Cool, 4°C	14 days
5. Ammonia	P,G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
6. Biochemical oxygen demand	P,G	Cool, 4°C	48 hours
7. Biochemical oxygen demand, carbonaceous	P,G	Cool, 4°C	48 hours
8. Bromide	P,G	None required	28 days
9. Chemical oxygen demand	P,G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
10. Chloride	P,G	None required	28 days
11. Chlorine, total residual	P,G	None required	Analyze Immediately
12. Color	P,G	Cool, 4°C	48 hours
13. Cyanide, total and amenable to chlorination	P,G	Cool, 4°C NaOH to pH > 12 0.6g ascorbic acid ⁴	14 days ⁵
<u>Chemical Tests</u>			
14. Cyanide, free	P,G	Cool, 4°C NaOH to pH > 12 0.6g ascorbic acid ⁴	4 hours
15. Fluoride	P	None required	28 days
16. Hardness	P,G	HNO ₃ to pH < 2	6 months
17. Hydrogen Ion (pH)	P,G	None required	Analyze Immediately
18. Kjeldahl and organic nitrogen	P,G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VI Required Containers, Preservation Techniques, and Holding Times
- Continued -

Parameter	Container ¹	Preservative ²	Maximum Holding Time ³
<u>Metals</u>			
19. Chromium VI	P,G	Cool, 4°C	24 hours
20. Mercury	P,G	HNO ₃ to pH < 2	28 days
21. Metals, except above	P,G	HNO ₃ to pH < 2	6 months
22. Nitrate	P,G	Cool, 4°C	48 hours
23. Nitrate-nitrite	P,G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
24. Nitrite	P,G	Cool, 4°C	48 hours
25. Oil and grease	G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
<u>Metals</u>			
26. Organic carbon	P,G	Cool, 4°C Cl or H ₂ SO ₄ to pH < 2	28 days
27. Orthophosphate	P,G	Filter immediately Cool, 4°C	48 hours
28. Oxygen, dissolved probe	G Bottle and top	None required	Analyze immediately
Winkler	G Bottle and top	Fix on site and store in dark	8 hours
29. Phenols	G only	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
30. Phosphorus (elemental)	G	Cool, 4°C	48 hours
31. Phosphorus, total	P,G	Cool, 4°C H ₂ SO ₄ to pH < 2	28 days
32. Residue, total	P,G	Cool, 4°C	7 days
33. Residue, filterable	P,G	Cool, 4°C	7 days
34. Residue, Nonfilterable (TSS)	P,G	Cool, 4°C	7 days
35. Residue, settleable	P,G	Cool, 4°C	48 hours
36. Residue, volatile	P,G	Cool, 4°C	7 days
37. Silica	P	Cool, 4°C	28 days

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VI Required Containers, Preservation Techniques, and Holding Times
- Continued -

Parameter	Container ¹	Preservative ²	Maximum Holding Time ³
<u>Metals</u>			
38. Specific conductance	P,G	Cool, 4°C	28 days
39. Sulfate	P,G	Cool, 4°C	28 days
40. Sulfide	P,G	Cool, 4°C, add zinc acetate plus sodium hydroxide to pH > 9	7 days
41. Sulfite	P,G	None required	Analyze immediately
42. Surfactants	P,G	Cool, 4°C	48 hours
43. Temperature	P,G	None required	Analyze immediately
44. Turbidity	P,G	Cool, 4°C	48 hours
45. Sampling Procedures for Monitoring Wells			
A. Measure depth from top of well head casing to water table			
B. Calculate quantity of water to be flushed from well using the formula:			
Gallons to be pumped = $0.221 d^2 h$, where			
d = well diameter in inches			
h = depth in feet of standing water in well prior to pumping			
C. Pump well			
D. Measure depth from well head casing to water table after pumping			
E. Wait for well to recharge to or near static water level prior to sampling			

Table VI Notes

1. Polyethylene (P) or Glass (G).
2. Sample preservation should be performed immediately upon sample collection. For composite samples, each aliquot should be preserved at the time of collection. When use of an automated sampler makes it impossible to preserve each aliquot, then samples may be preserved by maintaining at 4°C until compositing and sample splitting is completed.
3. Samples should be analyzed as soon as possible after collection. The times listed are the maximum times that samples may be held before analysis and still be considered valid. Samples may be held for longer periods only if the permittee, or monitoring laboratory, has data on file to show that the specific types of samples under study are stable for the longer time, and has received a variance from the executive director. Some samples may not be stable for the maximum time period given in the table. A permittee, or monitoring laboratory, is obligated to hold the sample for a shorter time if knowledge exists to show this is necessary to maintain sample stability.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VI Notes

- Continued -

4. Should only be used in the presence of residual chlorine.
5. Maximum holding time is 24 hours when sulfide is present. Optionally, all samples may be tested with lead acetate paper before the pH adjustment in order to determine if sulfide is present. If sulfide is present, it can be removed by the addition of cadmium carbonate powder until a negative spot test is obtained. The sample is filtered and then NaOH is added to pH 12.
6. Samples should be filtered immediately on-site before adding preservative for dissolved metals.

Table VII List of Approved Biological Test Procedures¹

Parameter and Units	Method	Reference (Method No. or Page)			
		EPA ²	Std. Methods ³	ASTM ⁴	USGS ⁵
BACTERIA					
1. Coliform (fecal), number per 100 ml.	MPN, 5 tube membrane filter (MF).	p. 132 p. 124 ^{6,7}	908C 909C		8-0050-77
2. Coliform (fecal) in presence of chlorine, number per 100 ml.	MPN, 5 tube required. MF	p. 132 p. 124	908C 909C		
3. Coliform (total), number per 100 ml.	MPN, 5 tube single or two-step MF.	p. 114 p. 108 ⁷	908A 909A		8-0025-77
4. Coliform (total) in presence of chlorine, number per 100 ml.	MPN, 5 tube MF with enrichment.	p. 114 p. 111 ⁷	908A 908A(c)		
5. Fecal streptococci, number per 100 ml.	MPN, 5 tube MF, plate count.	p. 139 p. 136 ⁷ p. 143	910A 910B 910C		8-0055-77

REFERENCES

- 1 - The method used must be specified.
- 2 - "Microbiological Methods for Monitoring the Environment, Water and Wastes, 1978", U.S. Environmental Protection Agency, EPA-600/8-78-017.
- 3 - "Standard Methods for the Examination of Water and Wastewater", 15th Edition.
- 4 - "Annual Book of Standards", Amer. Society for Testing and Materials, Part 31, Water.
- 5 - Greason, P. E., et. al., Chapter 4, "Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples, Techniques of Water-Resources, Investigations of the United States Geological Survey, Book 5, Laboratory Analysis, 1977", U.S. Geological Survey.
- 6 - Direct membrane filter only.
- 7 - 0.45 um membrane filter or other pore size recommended by the manufacturer. See EPA Manual, pp. 110, 2.3.17; 125, 2.2.16; and 137, 2.3.16.

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
6. Acidity, as CaCO ₃ , mg/l	Electrometric end point or phenolphthalein end point.	305.1 --	402(d) --	D1067-70(E) --	--	
7. Alkalinity, as CaCO ₃ , mg/l	Electrometric or colorimetric titration to pH 4.5, manual or automated.	310.1 --	403 --	D1067-70(B) --	1-1030-78 1-2030-78	Ref. 5, p. 548
8. Aluminum--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (Eriochrome cyanine R).	202.1 202.2 200.7 --	303C 304 -- 306B	-- -- -- --	1-3051-78 -- -- --	
9. Ammonia (as N), mg/l	Manual distillation (at pH 9.5) followed by nesslerization, titration, electrode or automated phenate ⁸ .	-- 350.2 350.3 350.1	417A 417B 417D -- 417F	-- D1426-79(A) -- D1426-79(D) D1426-79(C)	-- 1-3520-78 -- -- 1-4523-78	Ref. 5, p. 553
	Technicon Instrument Corp., automated ammonia electrode.					Ref. 19
10. Antimony--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or Inductively coupled plasma ⁷ .	204.1 204.2 200.7	303A 304 --	-- -- --	-- -- --	
11. Arsenic--Total ⁶ , mg/l	Digestion ⁶ followed by hydride, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (SDDC).	206.5 206.3 206.2 200.7 206.4	-- 303E 304 -- 307B	-- D2972-78(B) -- -- D2972-78(A)	-- 1-3062-78 -- -- 1-3060-78	
12. Barium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or Inductively coupled plasma ⁷ .	208.1 208.2 200.7	303C 304 --	-- -- --	1-3084-78 -- --	
13. Beryllium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (aluminum).	210.1 210.2 200.7 --	303C 304 -- 309B	D3645-78 -- -- --	1-3095-78 -- -- --	
14. Biochemical oxygen demand (BOD ₅), mg/l	Winkler (Azide modification) or electrode method.	405.1 --	507 --	-- --	1-1578-78 --	Ref. 9, p. 17 Ref. 5, p. 548
15. Biochemical oxygen demand (BOD ₅), carbonaceous, mg/l	DO, with nitrification inhibitor.	405.2	507(e6)	--	--	
16. Boron--Total, mg/l	Colorimetric (curcumin) or inductively coupled plasma ⁷ .	212.3 200.7	404A --	-- --	1-3112-78 --	
17. Bromide, mg/l	Titrimetric.	320.1	--	D1246-77(C)	1-1125-78	
18. Cadmium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , voltametry ¹⁰ , or colorimetric (Dithizone).	213.1 213.2 200.7 -- --	303A or B 304 -- -- 310B	D3557-78(A or B) -- -- D3557-78(C) --	1-3136-78 1-3135-78 -- -- --	Ref. 5, p. 557 & Ref. 9, p. 37 Ref. 11

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures
- Continued -

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
19. Calcium--Total ⁶ , mg/l	Digestion ⁶ followed by atomic absorption, inductively coupled plasma ⁷ , or EDTA titration.	215.1	303A	D511-77(C)	I-3152-78	
		200.7	--	--	--	
		215.2	311C	D511-77(B)	--	
20. Chemical oxygen demand (COD), mg/l	Titrimetric; colorimetric, manual or automated.	410.1	508A	D1252-78	I-3560-78	Ref. 5, p. 550
		410.2	--	--	I-3562-78	& Ref. 9, p. 17
		410.3	--	--	I-3561-78	
		410.4	--	--	--	
	Oceanography International Corp., COD ampule test method.					Ref. 20
	Hach Chemical Company, COD test procedures.					Ref. 21
21. Chloride, mg/l	Titrimetric (silver nitrate) or (mercuric nitrate); colorimetric (ferricyanide), manual or automated.	--	--	D512-67(B)	I-1183-78	
		325.3	407B	D512-67(A)	I-1184-78	Ref. 5, p. 554
		325.1	407D	D512-67(C)	I-1187-78	
		325.2	--	--	I-2187-78	
22. Chlorine--Total residual, mg/l	Amperometric Titration Iodometric ¹² -amperometric or starch endpoint; Iodometric; DPD-FAS titrimetric; DPD Spectrophotometric	330.1	408C	D1253-76(A)	--	
		330.2	408B	--	--	
		330.3	408A	D1253-76(B)	--	
		330.4	408D	--	--	
		330.5	408E	--	--	
	Orion Research Inc., Residual Chlorine Electrode Model 97-90.					Ref. 22
23. Chromium VI--Total ⁶ , mg/l	Extraction followed by atomic absorption, or colorimetric (diphenylcarbazide).	218.4	303B	--	I-1232-78	
		--	312B	--	I-1230-78	
24. Chromium--Total ⁶ , mg/l	Digestion ⁶ (optional extraction) followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (diphenylcarbazide).	218.3	--	--	--	
		218.1	303A or B	D1687-77(D)	I-3236-78	Ref. 5, p. 557
		218.2	304	--	--	
		200.7	--	--	--	
		--	312B	D1687-77(A)	--	
25. Cobalt--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or Inductively coupled plasma ⁷ .	219.1	303A or B	D3558-77(A or B)	I-3420-78	
		219.2	304	--	I-3239-78	Ref. 9, p. 37
		200.7	--	--	--	
26. Color, platinum cobalt units or dominant wavelength, hue, luminance, purity	Colorimetric, ADMI or platinum cobalt; spectrophotometric.	110.1	204D	--	--	Ref. 13
		110.2	204A	--	I-1250-78	
		110.3	204B	--	--	
27. Copper--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (neocuproine).	220.1	303A or B	D1688-77(D or E)	I-3271-78	
		220.2	304	--	I-3270-78	Ref. 5, p. 557
		200.7	--	--	--	& Ref. 9, p. 37
		--	313B	D1688-77(A)	--	
		Hach Chemical Company, Bicinchoninate Test Method #8506.				

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures

- Continued -

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
28. Cyanide--Total, mg/l	Manual distillation with MgCl ₂ followed by titrimetric, manual or automated ¹⁴ spectrophotometric.		412B	--	--	Ref. 9, p. 22
		--	412C	D2036-75(A)	--	
		335.2	412D	D2036-75(A)	1-3300-78	
29. Cyanide amenable to chlorination, mg/l	DO.	335.1	412F	D2036-75(B)	--	
30. Fluoride--Total, mg/l	Manual distillation ⁸ followed by manual or automated electrode, SPADNS, or automated complexone.	--	413A	--	--	
		340.2	413B	D1179-72(B)	--	
		--	--	--	1-4327-78	
		340.1	413C	D1179-72(A)	--	
31. Gold--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	231.1	303A	--	--	
		231.2	304	--	--	
32. Hardness--Total, as CaCO ₃ , mg/l	Automated colorimetric, EDTA titration, inductively coupled plasma ⁷ , or atomic absorption (sum of Ca and Mg as their respective carbonates).	130.1	--	--	--	Ref. 5, p. 556
		130.2	314B	D1126-67(B)	1-1338-78	
		200.7	--	--	--	
		215.1	303A	--	1-3153-78	
		+242.1	--	--	+3448-78	
33. Hydrogen Ion (pH), pH units	Electrometric measurement.	150.1	423	D1293-78(A)	1-1586-78	Ref. 5, p. 547
				or D1293-78(B)		
	Technicon Instrument Corp., automated pH electrode.					Ref. 19
34. Iridium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	235.1	303A	--	--	
		235.2	304	--	--	
35. Iron--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, inductively coupled plasma ⁷ , or colorimetric (phenanthroline).	236.1	303A or B	D1068-77(C or D)	1-3381-78	Ref. 5, p. 557
		236.2	304	--	--	
		200.7	--	--	--	
		--	315B	D1068-77(A)	--	
	Hach Chemical Company, 1,10-phenanthroline method #8008.					Ref. 24
36. Kjeldahl nitrogen--Total (as N), mg/l	Digestion and distillation followed by titration nesslerization or electrode; colorimetric, semi-automated block digester.	--	--	D3590-77	--	Ref. 5, p. 552
		351.3	420	--	--	
		351.4	--	--	1-4551-78	
		351.2	--	--	1-4552-78	
37. Lead--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, inductively coupled plasma ⁷ , voltametry ¹⁰ or colorimetric (Dithizone).	239.1	303A or B	D3559-78(A or B)	1-3399-78	Ref. 5, p. 557
		239.2	304	--	--	
		200.7	--	--	--	
		--	--	D3559-78(C)	--	
		--	316B	--	--	
38. Magnesium--Total ⁶ , mg/l	Digestion ⁶ followed by atomic absorption, inductively coupled plasma ⁷ , or gravimetric.	242.1	303A	D511-77(B)	1-3447-78	Ref. 5, p. 557
		200.7	--	--	--	
		--	318B	D511-77(A)	--	

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures
- Continued -

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
39. Manganese--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (persulfate).	243.1	303A or B	D858-77(B or C)	1-3454-78	Ref. 5, p. 557
		243.2	304	--	--	
		200.7	--	--	--	Ref. 5, p. 564
		--	319B	D858-77(A)	--	
	Hach Chemical Company, colorimetric test procedure.					Ref. 25
40. Mercury--Total ⁶ , mg/l	Cold vapor, manual or automated.	245.1	303F	D3223-79	1-3462-78	Ref. 5, p. 559
		245.2	--	--	--	
41. Molybdenum--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or Inductively coupled plasma ⁷ .	246.1	303C	--	1-3490-78	
		246.2	304	--	--	
		200.7	--	--	--	
42. Nickel--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, Inductively coupled plasma ⁷ , or colorimetric (heptoxime).	249.1	303A or B	D1886-77(C or D)	1-3499-78	
		249.2	304	--	--	
		200.7	--	--	--	
		--	321B	--	--	
43. Nitrate (as N), mg/l	Brucine sulfate.	352.1		D992-71	--	Ref. 5, p. 554 Ref. 9, p. 28
44. Nitrate-nitrite (as N), mg/l	Cadmium reduction, manual or automated.	353.3	418C	D3867-79(B)	--	
		353.2	418F	D3867-79(A)	1-4545-78	
45. Nitrite (as N), mg/l	Spectrophotometric, manual or automated (diazotization).	354.1	419	D1254-67	--	
		--	--	--	1-4540-78	
	Hach Chemical Company, Nitri Ver III diazotization method.					Ref. 26
46. Oil and grease--Total recoverable, mg/l	Gravimetric (extraction). Soxhlet (extraction).	413.1	503A 503C	--	--	
47. Organic carbon--Total (TOC), mg/l	Combustion or oxidation.	415.1	505	D2579-78(A)	Ref. 15	Ref. 5, p. 551
48. Organic nitrogen (as N), mg/l	Total Kjeldahl N minus ammonia N.	see 37 and 9	420A	D3590-77 minus D1426-79(A)	see 37 and 9	Ref. 5 pp. 552 & 553
49. Orthophosphate (as P), mg/l	Ascorbic acid method, automated or manual.	365.1	424G	--	1-4601-78	Ref. 5, p. 561
		365.2	424F	D515-78(A)	--	
50. Osmium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	252.1	303C	--	--	
		252.2	304	--	--	
51. Oxygen, dissolved, mg/l	Winkler (azide modification) or electrode.	360.2	421B	D1589-60(A)	1-1575-78	Ref. 5, p. 550
		360.1	421F	--	1-1576-78	
52. Palladium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	253.1	--	--	--	
		253.2	--	--	--	

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures
- Continued -

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
53. Phenols, mg/l	Manual distillation followed by manual or automated ¹⁴ colorimetric (4AAP).		510A+	D1783-70(A or B)	--	
		420.1	510B or C	--	--	
		420.2	--	--	--	
54. Phosphorus (elemental), mg/l	Gas chromatography ¹⁶ .	--	--	--	--	
55. Phosphorus--Total, mg/l	Persulfate digestion followed by manual or automated ascorbic acid reduction, semi-automated block digester.		424C(111)	--	--	Ref. 5, p. 561
		365.2	424F	D515-78(A)	--	
		365.1	424G	--	1-4600-78	
		365.3	--	--	--	
		365.4	--	--	1-4603-78	
56. Platinum--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	255.1	303A	--	--	
		255.2	304	--	--	
57. Potassium--Total ⁶ , mg/l	Digestion ⁶ followed by atomic absorption, inductively coupled plasma ⁷ , or flame photometric.	258.1	303A	--	1-3630-78	Ref. 5, p. 560
		200.7	--	--	--	
		--	322B	D1428-64(A)	--	
58. Residue--Total, mg/l	Gravimetric, 103-105°C.	160.3	209A	--	1-3750-78	
59. Residue--Filterable, mg/l	Gravimetric, 180°C.	160.1	209B	--	1-1750-78	
60. Residue--Nonfilterable, mg/l	Gravimetric, 103-105°C.	160.2	209D	--	1-3765-78	
61. Residue--Settleable, mg/l	Volumetric (Imhoff cone) or gravimetric.	160.5	209F(3a)	--	--	
		--	--	--	--	
62. Residue--Volatile, mg/l	Gravimetric, 550°C.	160.4	209E	--	1-3753-78	
63. Rhodium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	265.1	303A	--	--	
		265.2	304	--	--	
64. Ruthenium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	267.1	303A	--	--	
		267.2	304	--	--	
65. Selenium--Total ⁶ , mg/l	Digestion ⁶ followed by AA furnace, inductively coupled plasma ⁷ , or hydride.	270.2	304	--	--	
		200.7	--	--	--	
		270.3	303E	D3859-79	1-3667-78	
66. Silica--Dissolved, mg/l	0.45 micron filtration followed by manual or automated colorimetric (molybdosilicate), or inductively coupled plasma ⁷ .	370.1	425C	D859-68(B)	1-1700-78	
		--	--	--	1-2700-78	
		200.7	--	--	--	
67. Silver--Total ¹⁷ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or inductively coupled plasma ⁷ .	272.1	303A or B	--	1-3720-78	Ref. 5, p. 557
		272.2	304	--	--	& Ref. 9, p. 37
		200.7	--	--	--	
68. Sodium--Total ⁶ , mg/l	Digestion ⁶ followed by atomic absorption, inductively coupled plasma ⁷ , or flame photometric.	273.1	303A	--	1-3735-78	Ref. 5, p. 561
		200.7	--	--	--	
		--	--	D1428-64(A)	--	

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures
- Continued -

Parameter and Units	Method	Reference (Method No. or Page)				Other
		EPA ¹	Std. Methods ²	ASTM ³	USGS ⁴	
69. Specific conductance, umhos/cm	Wheatstone bridge.	120.1	205	D1125-77(A)	1-1780-78	Ref. 5, p. 547
70. Sulfate (as SO ₄), mg/l	Automated methylthymol, gravimetric, or turbidimetric.	375.2	--	--	1-2822-78	Ref. 5, pp. 562 & 563
		375.3	426A or B	D516-68(A)	--	
		375.4	426C	D516-68(B)	--	
71. Sulfide (as S), mg/l	Titrimetric (Iodine) or colorimetric (methylene blue).	376.1	427D	--	1-3840-78	
		376.2	427C	--	--	
72. Sulfite (as SO ₃), mg/l	Titrimetric (Iodine-Iodate).	377.1	428	D1339-78(C)	--	
73. Surfactants, mg/l	Colorimetric (methylene blue).	425.1	512A	D2330-68(A)	REF 15	
74. Temperature, °C	Thermometric.	170.1	212	--		Ref. 18
75. Thallium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or inductively coupled plasma ⁷ .	279.1	303A	--	--	
		279.2	304	--	--	
		200.7	--	--	--	
		--	--	--	--	
76. Tin--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	282.1	303A	--	1-3850-78	
		282.2	304	--	--	
77. Titanium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration or AA furnace.	283.1	303C	--	--	
		283.2	304	--	--	
78. Turbidity, NTU	Nephelometric.	180.1	214A	D1889-71	1-3860-78	
79. Vanadium--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, inductively coupled plasma ⁷ , or colorimetric (gallic acid).	286.1	303C	--	--	
		286.2	304	--	--	
		200.7	--	--	--	
		--	--	D3373-75	--	
80. Zinc--Total ⁶ , mg/l	Digestion ⁶ followed by AA direct aspiration, AA furnace, or inductively coupled plasma ⁷ .	289.1	303A or B	D1691-77(D)	1-3900-78	Ref. 5, p. 557 & Ref. 9, p. 37
		289.2	304	D1691-77(C)	--	
		200.7	--	--	--	
	Hach Chemical Company, Zincon Method #8009.					Ref. 23

REFERENCES

- "Methods for Chemical Analysis of Water and Wastes, 1979", U.S. Environmental Protection Agency, EPA-600/4-79/020.
- "Standard Methods for the Examination of Water and Wastewater", 15 Edition.
- "Annual Book of Standards", Amer. Society for Testing and Materials, Part 31, Water.
- "Methods for Analysis of Inorganic Substances in Water and Fluvial Sediments", U.S. Department of the Interior, Geological Survey, Open-File Report 78-679 unless otherwise stated.
- "Official Methods of Analysis of the Association of Official Analytical Chemists", Methods Manual, 13th Edition (1980).

WATER, AIR AND WASTE MANAGEMENT[900] (cont'd)

Table VII List of Approved Chemical Test Procedures

- Continued -

REFERENCES - Continued -

6. For the determination of total metals, the sample is not filtered before processing. A digestion procedure is required to solubilize suspended material and to destroy possible organic-metal complexes. Two digestion procedures are given in "Methods for Chemical Analysis of Water and Wastes, 1979". One (4.1.3), is a vigorous digestion procedure employing nitric acid. A less vigorous digestion using nitric and hydrochloric acids (4.1.4) is preferred; however, the analyst should be cautioned that this mild digestion may not suffice for all sample types. Particularly, if a colorimetric procedure is to be employed, it is necessary to ensure that all organo-metallic bonds be broken so that the metal is in a reactive state. In those situations, the vigorous digestion is to be preferred making certain that at no time does the sample go to dryness. Samples containing large amounts of organic materials would also benefit by this vigorous digestion. Use of the graphite furnace technique, as well as determinations for certain elements such as arsenic, the noble metals, mercury, selenium, and titanium require a modified digestion and in all cases the method write-up should be consulted for specific instruction and/or cautions.
- Note: If the digestion included in one of the other approved references is different than the above, the EPA procedure must be used.
- Dissolved metals are defined as those constituents which will pass through a 0.45 micron membrane filter. Following filtration of the sample, the referenced procedure for total metals must be followed. Sample digestion for dissolved metals may be omitted for AA (direct aspiration or graphite furnace) and ICP analyses provided the sample has a low COD and the filtrate meets the following criteria:
- Is visibly transparent,
 - has no perceptible odor, and
 - is free of particulate or suspended matter following acidification.
7. Appendix IV - Inductively Coupled Plasma Optical Emission Spectrometric Method (ICP) for Trace Element Analysis of Water and Wastes, Interim, Federal Register, Vol. 44, No. 233, Monday, December 3, 1979, p. 69559-69564.
8. Manual distillation is not required if comparability data on representative effluent samples are on company file to show that this preliminary distillation step is not necessary; however, manual distillation will be required to resolve any controversies.
9. American National Standard on Photographic Processing Effluents, April 2, 1975. Available from ANSI, 1430 Broadway, New York, NY 10018.
10. The use of normal and differential pulse voltage ramps to increase sensitivity and resolution is acceptable.
11. J. Gardner and M. J. Stiff, "The Determination of Cadmium, Lead, Copper and Zinc in Groundwater, Estuarine Water, Sewage and Sewage Effluent by Anodic Stripping Voltametry", "Water Research", Vol. 9, p. 517 (1975).
12. The back titration method will be used to resolve controversy.
13. National Council of the Paper Industry for Air and Stream Improvement, (Inc.) Technical Bulletin 253, December 1971.
14. After the manual distillation is completed, the autoanalyzer manifolds in method 335.3 (CN) or 420.2 (phenol) are simplified by connecting the re-sample line directly to the sampler.
15. Goerlitz, D., Brown, E., "Methods for Analysis of Organic Substances in Water", U.S. Geological Survey, Techniques of Water-Resources Inv., Book 5, Ch. A3, p. 4 (1972).
16. R. F. Addison and R. G. Ackman, "Direct Determination of Elemental Phosphorus by Gas-Liquid Chromatography", "Journal of Chromatography", Vol. 47, No. 3, pp. 421-426, 1970.
17. Recommended methods for the analysis of silver in industrial wastewaters at concentrations of 1 mg/l and above are inadequate where silver exists as an inorganic halide. Silver halides such as the bromide and chloride are relatively insoluble in reagents such as nitric acid but are readily soluble in an aqueous buffer of sodium thiosulfate and sodium hydroxide to a pH of 12. Therefore, for levels of silver above 1 mg/l, 20 ml of sample should be diluted to 100 ml by adding 40 ml each of 2 M Na₂S₂O₃ and 2 M NaOH. Standards should be prepared in the same manner. For levels of silver below 1 mg/l, the recommended method is satisfactory.
18. Stevens, H. H., Ficke, J. F., and Smoot, G. F., "Water Temperature - Influential Factors, Field Measurement and Data Presentation", U.S. Geological Survey Techniques of Water Resources Inv., Book 1, p. 31 (1975).
19. Approved alternate test procedure for the determination of hydrogen ion (pH) and ammonia as presented in the Federal Register, Vol. 43, No. 168, p. 38618 (August 29, 1978).
20. Approved alternate test procedure for the determination of chemical oxygen demand (COD) as presented in the Federal Register, Vol. 43, No. 45, p. 9341 (March 7, 1978).
21. Approved alternate test procedure for the determination of chemical oxygen demand (COD) as presented in the Federal Register, Vol. 45, No. 78, p. 26811 (April 21, 1980).
22. Approved alternate test procedure for the determination of total residual chlorine as presented in the Federal Register, Vol. 46, No. 231, p. 58489 (December 2, 1981).
23. Approved alternate test procedure for the determination of total and dissolved zinc and copper as presented in the Federal Register, Vol. 45, No. 105, p. 36167 (May 29, 1980).
24. Approved alternate test procedure for the determination of total and dissolved iron as presented in the Federal Register, Vol. 45, No. 126, p. 43459 (June 27, 1980).
25. Approved alternate test procedure for the determination of total manganese as presented in the Federal Register, Vol. 44, No. 116, p. 34193 (June 14, 1979).
26. Approved alternate test procedure for the determination of nitrite nitrogen as presented in the Federal Register, Vol. 44, No. 85, p. 25505 (May 1, 1979).

[Filed 4/20/84, effective 6/13/84]
 [Published 5/9/84]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/9/84.

EFFECTIVE DATE DELAY

[Pursuant to §17A.4(5)]

AGENCY	RULE	EFFECTIVE DATE DELAYED
Conservation Commission[290]	Subrule 105.3(3) [IAB 2/1/84, ARC 4427]	Seventy days from effective date of March 7, 1984. [Delay published in IAB 3/14/84] Forty-five days after convening of the next General Assembly pursuant to Iowa Code §17A.8(9).
Real Estate Commission[700]	Rule 1.21 [IAB 3/28/84, ARC 4557]	Seventy days from effective date of May 3, 1984.

SUMMARY OF OPINIONS OF THE ATTORNEY GENERAL

THOMAS J. MILLER

March, 1984

COUNTIES AND COUNTY OFFICERS

Authority of county governments to establish a height limitation on vegetation and to regulate weeds not listed as noxious. Iowa Const. art. III § 38A; Iowa Const. art. III § 39A; Iowa Code §§ 317.1, 317.3, 317.4, 317.6, 317.9, 317.13, 317.14, 317.15, 317.16, 317.18, 317.21, 331.301(1), 331.301(4), 331.301(5), 331.301(6), 331.302(1), 331.302(3)-(9) (1983). Under County Home Rule, county governments may, through an ordinance, establish a height limitation on vegetation on unoccupied land. The county may through an appropriate ordinance, provide that weeds not listed in § 317.1 are noxious. A landowner must mow or spray whatever area of the property is necessary to comply with the board's program of weed control under § 317.13. (Benton to Palmer, State Senator, 3/21/84) #84-3-5(L)

Mental Health, County Liability, County Reimbursement, Interstate Mental Health Compact. Ch. 218A, § 218A.1, Ch. 229, §§ 229.1(2), 229.6, 230.10, 230.15. Pursuant to Iowa Code § 229.6, the residents of other counties and states may be involuntarily committed in whatever Iowa county they may be located. While the county may elect to bill other states for the costs of mental health commitment, liability for those costs is governed by Iowa Code ch. 230. Chapter 230 does not expressly impose such liability on other states. (Williams to McCormick, Woodbury County Attorney, 3/6/84) #84-3-1(L)

LANDLORD-TENANT

Interest on rental deposits. Iowa Code § 562A.12(2) (1983). After five years of a tenancy, interest earned on a rental deposit is the property of the tenant. The manner of payment of the interest to the tenant is a matter of private contract between the tenant and landlord. (Peters to Baxter, State Representative, 3/26/84) #84-3-6(L)

MENTAL HEALTH

Involuntary Commitment. Iowa Code §§ 229.4(3), 229.11, 229.12, 229.14(2), 229.14(3), 229.15(2), 230.10. Iowa Code § 229.15(2) does not authorize the hospitalization referee to enter an involuntary commitment order without a hearing. Where a committed mental health patient on out-patient status desires to enter a treatment facility for in-patient treatment, the patient may do so on a voluntary basis. In this situation, § 229.15(2) requires the inpatient facility to notify the court of the change. However, the court may not change the patient's status to a more restrictive status absent proper notice and hearing. (Williams to Deneffe, 3/9/84) #84-3-3

SCHOOLS

Special Education: School for the Deaf: Iowa Children's Home. Iowa Code chs. 244, 269, 270, 273, 281, 442 (1983). Iowa Code Supp. §§ 273.3; 281.9 (1983). The State Department of Public Instruction is the agency that holds primary responsibility to assure that each child in need of special education receives a free appropriate education. The school district of residence should reimburse a school district that provides educational programs and services, pursuant to an Individual Educational Program, to a child who is enrolled at the Iowa Children's Home or the School for the Deaf. (Fleming to Benton, State Superintendent 3/12/84) #84-3-4(L)

TAXATION

Real Estate Transfer Tax: Real Estate Transfers by Shareholders To Existing Corporation. Iowa Code § 428A.2(15) (1983). A proposed transfer of real estate which is to be made to an existing corporation by shareholders in exchange for additional stock and which is not to be made in connection with the formation or dissolution of the corporation is not exempt from real estate transfer tax under § 428A.2(15). (Griger to Noah, 3/7/84) #84-3-2(L)

Property Tax; Nature of property tax liens on machinery and equipment and on buildings erected on leased land. Iowa Code §§ 427A.1(L)(e), 445.28, 445.32, 446.7 (1983). Where machinery and equipment is, by law, assessed and taxed as real property, along with other real property, a real property tax lien will attach to that machinery and equipment and to the other real property taxed as a unit. The enforced collection of delinquent real property tax attributable to machinery and equipment will generally be by the tax sale method. The real property tax lien attaches to buildings erected on leased land, but not to the underlying land. (Griger to Berl E. Priebe, State Senator, 3/26/84) #84-3-8(L)

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ATTORNEY GENERAL

IAB 5/9/84

STATUTES CONSTRUED

<u>Code, 1983</u>	<u>Opinion</u>
218A.1	84-3-1 (L)
229.1(2)	84-3-1 (L)
229.4(3)	84-3-3
229.6	84-3-1 (L)
229.11,12	84-3-3
229.14	84-3-3
229.15	84-3-3
230.10	84-3-1 (L)
230.10	84-3-3
230.15	84-3-1 (L)
244	84-3-4 (L)
269	84-3-4 (L)
270	84-3-4 (L)
273	84-3-4 (L)
281	84-3-4 (L)
317.1	84-3-5 (L)
317.3,4	84-3-5 (L)
317.6	84-3-5 (L)
317.9	84-3-5 (L)
317.13	84-3-5 (L)
317.14	84-3-5 (L)
317.15,16	84-3-5 (L)
317.18	84-3-5 (L)
317.21	84-3-5 (L)
331.301	84-3-5 (L)
331.302	84-3-5 (L)
427A.1(1) (e)	84-3-7 (L)
428A.2(15)	84-3-2 (L)
442	84-3-4 (L)
445.28	84-3-7 (L)
445.32	84-3-7 (L)
446.7	84-3-7 (L)
526A.12(2)	84-3-6 (L)
<u>Const. of Iowa</u>	<u>Opinion</u>
Art. III, § 38A	84-3-5 (L)
Art. III, § 39A	84-3-5 (L)