



IOWA ADMINISTRATIVE BULLETIN

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Pages 1433 to 1500

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- Notice, Operating procedure, 1.2(3)"a" ARC 7780A 1482

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other "materials deemed fitting and proper by the Administrative Rules Review Committee" include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers' Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)"a"]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

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

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SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly as follows:

First quarter	July 1, 1997, to June 30, 1998	\$237.00 plus \$11.85 sales tax
Second quarter	October 1, 1997, to June 30, 1998	\$178.00 plus \$8.90 sales tax
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Fourth quarter	April 1, 1998, to June 30, 1998	\$ 60.00 plus \$3.00 sales tax

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Iowa Administrative Code

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

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(Price includes 22 volumes of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. **Additional** or replacement **binders** can be purchased for \$10.55 plus \$0.53 tax.)

Iowa Administrative Code Supplement – \$382.00 plus \$19.10 sales tax

(Subscription expires June 30, 1998)

All checks should be made payable to the Iowa State Printing Division. Send all inquiries and subscription orders to:

Customer Service Center
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Hoover State Office Building, Level A
Des Moines, IA 50319
Telephone: (515)242-5120

Schedule for Rule Making 1998

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 26 '97	Jan. 14 '98	Feb. 3	Feb. 18	Feb. 20	Mar. 11	Apr. 15	July 13
Jan. 9 '98	Jan. 28	Feb. 17	Mar. 4	Mar. 6	Mar. 25	Apr. 29	July 27
Jan. 23	Feb. 11	Mar. 3	Mar. 18	Mar. 20	Apr. 8	May 13	Aug. 10
Feb. 6	Feb. 25	Mar. 17	Apr. 1	Apr. 3	Apr. 22	May 27	Aug. 24
Feb. 20	Mar. 11	Mar. 31	Apr. 15	Apr. 17	May 6	June 10	Sept. 7
Mar. 6	Mar. 25	Apr. 14	Apr. 29	May 1	May 20	June 24	Sept. 21
Mar. 20	Apr. 8	Apr. 28	May 13	May 15	June 3	July 8	Oct. 5
Apr. 3	Apr. 22	May 12	May 27	May 29	June 17	July 22	Oct. 19
Apr. 17	May 6	May 26	June 10	June 12	July 1	Aug. 5	Nov. 2
May 1	May 20	June 9	June 24	June 26	July 15	Aug. 19	Nov. 16
May 15	June 3	June 23	July 8	July 10	July 29	Sept. 2	Nov. 30
May 29	June 17	July 7	July 22	July 24	Aug. 12	Sept. 16	Dec. 14
June 12	July 1	July 21	Aug. 5	Aug. 7	Aug. 26	Sept. 30	Dec. 28
June 26	July 15	Aug. 4	Aug. 19	Aug. 21	Sept. 9	Oct. 14	Jan. 11 '99
July 10	July 29	Aug. 18	Sept. 2	Sept. 4	Sept. 23	Oct. 28	Jan. 25 '99
July 24	Aug. 12	Sept. 1	Sept. 16	Sept. 18	Oct. 7	Nov. 11	Feb. 8 '99
Aug. 7	Aug. 26	Sept. 15	Sept. 30	Oct. 2	Oct 21	Nov. 25	Feb. 22 '99
Aug. 21	Sept. 9	Sept. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '99
Sept. 4	Sept. 23	Oct. 13	Oct. 28	Oct. 30	Nov. 18	Dec. 23	Mar. 22 '99
Sept. 18	Oct. 7	Oct. 27	Nov. 11	Nov. 13	Dec. 2	Jan. 6 '99	Apr. 5 '99
Oct. 2	Oct. 21	Nov. 10	Nov. 25	Nov. 27	Dec. 16	Jan. 20 '99	Apr. 19 '99
Oct. 16	Nov. 4	Nov. 24	Dec. 9	Dec. 11	Dec. 30	Feb. 3 '99	May 3 '99
Oct. 30	Nov. 18	Dec. 8	Dec. 23	Dec. 25	Jan. 13 '99	Feb. 17 '99	May 17 '99
Nov. 13	Dec. 2	Dec. 22	Jan. 6 '99	Jan. 8 '99	Jan. 27 '99	Mar. 3 '99	May 31 '99
Nov. 27	Dec. 16	Jan. 5 '99	Jan 20 '99	Jan. 22 '99	Feb. 10 '99	Mar. 17 '99	June 14 '99
Dec. 11	Dec. 30	Jan. 19 '99	Feb. 3 '99	Feb. 5 '99	Feb. 24 '99	Mar. 31 '99	June 28 '99
Dec. 25	Jan. 13 '99	Feb. 2 '99	Feb. 17 '99	Feb. 19 '99	Mar. 10 '99	Apr. 14 '99	July 12 '99
Jan. 8 '99	Jan. 27 '99	Feb. 16 '99	Mar. 3 '99	Mar. 5 '99	Mar. 24 '99	Apr. 28 '99	July 26 '99

PRINTING SCHEDULE FOR IAB

ISSUE NUMBER

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SUBMISSION DEADLINE

Friday, February 6, 1998

Friday, February 20, 1998

Friday, March 6, 1998

ISSUE DATE

February 25, 1998

March 11, 1998

March 25, 1998

PLEASE NOTE:

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

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

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses Interleaf 6 to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Ami Pro, Microsoft Word, Professional Write, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the processing of rule-making documents, we request a 3.5" High Density (not Double Density) IBM PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, 4th Floor, Lucas State Office Building or included with the documents submitted to the Governor's Administrative Rules Coordinator.

2. Alternatively, if you have Internet E-mail access, you may send your document as an attachment to an E-mail message, addressed to both of the following:

bcarr@legis.state.ia.us
kbates@legis.state.ia.us

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies by the Governor's office; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

Guide to Rule Making, June 1995 Edition, available upon request to the Iowa Administrative Code Division,
Lucas State Office Building, Fourth Floor, Des Moines, Iowa 50319.

The Administrative Rules Review Committee will hold a special meeting on Monday, February 9, 1998, at 7:30 a.m. in Room 116, State Capitol. The following rules will be reviewed:

Bulletin

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

- Brucellosis testing requirements for a Class Free state, 66.7(8), Notice ARC 7783A 1/28/98
 Milk haulers and milk graders, 68.40 to 68.71, Filed ARC 7784A 1/28/98

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

- Foreign transcript evaluation, 1.4"1," Notice ARC 7781A 1/28/98

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Air quality, 20.2, 20.3(4), 20.3(6), 22.1(1), 22.1(2)"b" and "k," 22.1(2)"s"(7), 22.1(3), 22.1(4)"b"(1), 22.4, 22.4(1), 22.4(3), 22.5(2), 22.5(4)"g," 22.5(6)"c," 22.5(10), 22.6, 22.7(1), 22.7(2)"d," 22.8(1)"c,"
 22.100, 22.101(1)"e," 22.101(2), 22.102, 22.103(1), 22.105(1), 22.106(3), 22.107(1)"a"(6), 22.107(8),
 22.108(14)"b," 22.108(17)"a"(2), 22.114(1)"a," 22.120, 22.122(1), 22.122(3), 22.123(2), 22.123(3)"a,"
 22.124(2)"a," 22.124(3)"a," 22.124(4)"b" and "c," 22.125(3)"a"(1), 22.125(4), 22.125(5), 22.125(6)"a"(1),
 22.125(7)"g," 22.126(1), 22.127(1), 22.128(2)"i," 22.128(4), 22.131(1), 22.132, 22.134, 22.138(3),
 22.138(4), 22.139(1), 22.139(4)"e," 22.140(4), 22.143(2)"b" and "e," 22.144, 22.146(1), 22.147, 22.203(1),
 22.203(1)"a," 22.300(2)"a," 22.300(8)"a," 23.1(2), 23.1(2)"k" and "rrr," 23.1(3) to 23.1(5), 23.1(5)"a,"
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 25.1(9), 25.1(10)"a," 25.1(12), 25.2, 28.1, 29.1, 31.2, Notice ARC 7762A 1/14/98
 Drinking water revolving fund, ch 44, Filed ARC 7759A 1/14/98
 Agricultural drainage wells, 50.2, 50.3(1), 50.4, 50.6(4), 50.6(7), 50.7(2), 50.7(4), 50.8(2), 51.3, 52.5,
 52.21, Filed ARC 7760A 1/14/98
 Landfills, 100.2, 100.3, 100.3(1)"b," 102.2, 102.2(1) to 102.2(4), 102.3, 102.7, 102.12, 102.14,
 ch 103, 108.1, 108.3 to 108.6, 110.7, 110.11(1)"a," 110.12, Notice ARC 7761A 1/14/98

GENERAL SERVICES DEPARTMENT[401]

- Parking, ch 4, Notice ARC 7754A 1/14/98

HUMAN SERVICES DEPARTMENT[441]

- AIDS/HIV settlement payments, 75.27, Notice ARC 7755A 1/14/98
 Maintenance of fiscal and clinical records by providers of service, 79.3, Notice ARC 7756A 1/14/98
 Review process for limited benefit plan, 93.138(3)"a"(3), Notice ARC 7757A 1/14/98
 Emergency placements in foster homes that are over licensed capacity, 113.4(1), Notice ARC 7758A 1/14/98

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

- Boilers and pressure vessels, rescind 347—chs 41, 42, 49; adopt 875—chs 200 to 203; amend and transfer
 347—chs 43 to 48 to 875—chs 204 to 209, Filed Emergency After Notice ARC 7777A 1/14/98

NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Advanced registered nurse practitioners, 7.1, 7.2(3)"a"(2), 7.2(4)"c," 7.2(6) to 7.2(11), Filed ARC 7763A 1/14/98

PUBLIC HEALTH DEPARTMENT[641]

- Swimming pools and spas, ch 15, Notice ARC 7787A 1/28/98
 Radiation, 38.1, 38.2, 38.4(4), 38.4(5), 38.6, 38.7, 38.8(1) to 38.8(3), 38.8(5) to 38.8(7), 38.8(8)"b," 38.8(9),
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 40.37(1)"d," 40.37(3), 40.42(7), 40.43(1), 40.48, 40.49, 40.50(1)"c"(5), 40.50(2)"a," 40.55, 40.56, 40.65(2)"b,"
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 ch 40 Appendices A, B, and C, 41.1(1) to 41.1(7), 41.1(9) to 41.1(11), 41.2(1), 41.2(2), 41.2(14)"f," 41.2(26)"c,"
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 42.1(2), 42.2 to 42.5, ch 45 title, 45.1, 45.1(1), 45.1(2), 45.1(5)"a" and "b," 45.1(8)"a," 45.1(10)"f" and "g," 45.1(11),
 45.1(12)"b"(5), 45.1(12)"d," 45.2(4)"d," 45.2(6)"b"(3), 45.3(1), 45.3(3)"a," 45.3(4)"c," 45.3(6)"b," 45.4(1)"b,"
 45.4(2), 45.4(6), 45.4(12), 45.5, 45.6, ch 45 Appendices E and F, Notice ARC 7775A 1/14/98

PUBLIC HEALTH DEPARTMENT[641] (Cont'd)

- Radiation—mammography, 41.6, 41.7, Notice **ARC 7774A** 1/14/98
- Local boards of health, 77.1 to 77.6, Notice **ARC 7770A** 1/14/98
- Emergency medical services—public access defibrillation, 132.1, 132.16, Notice **ARC 7771A** 1/14/98
- Iowa law enforcement emergency care provider—defibrillation, 139.1, 139.2, 139.6, Notice **ARC 7772A** 1/14/98
- Waivers of public health administrative rules, ch 178, Notice **ARC 7287A** Terminated **ARC 7785A** 1/28/98
- Variances and waivers of public health administrative rules, ch 178, Notice **ARC 7786A** 1/28/98

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]"umbrella"

- Continuing education, 3.3(1)"a," 4.3(2), 4.3(4), ch 6, Filed **ARC 7764A** 1/14/98

REGENTS BOARD[681]

- Iowa resident tuition for American Indian students from tribes
with historic ties to Iowa, 1.4(2)"i," Filed **ARC 7765A** 1/14/98
- Personnel administration, 3.39(5), 3.39(16), Filed **ARC 7766A** 1/14/98
- Consent to vendors with potential conflict of interest, 8.9(1)"a," Filed **ARC 7767A** 1/14/98

REVENUE AND FINANCE DEPARTMENT[701]

- Interest from bonds, income from partnerships or limited liability companies, subchapter S income,
40.3, 40.12, 40.13, 45.1, 52.1(5), Notice **ARC 7768A** 1/14/98
- Capital gains, 40.16(8) to 40.16(10), 40.47, 41.3"2," 41.11(1), Notice **ARC 7769A** 1/14/98
- Fiduciary income tax, 89.8(8)"j" and "m," Filed **ARC 7788A** 1/28/98

TRANSPORTATION DEPARTMENT[761]

- Motorcycle and small trailer plates validation sticker, 400.53(1), Notice **ARC 7779A** 1/28/98
- Financial liability coverage cards, 425.10(8), ch 641, Filed **ARC 7753A** 1/14/98
- Abandoned vehicles, 480.3, Notice **ARC 7778A** 1/28/98
- Substance abuse evaluation and treatment; drinking drivers course, 620.5, 620.15, 620.16, Filed **ARC 7776A** 1/14/98

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

- Universal service—eligible carriers, 39.1 and 39.2, Filed **ARC 7782A** 1/28/98

VETERANS AFFAIRS COMMISSION[801]

- Commission operating procedure, 1.2(3)"a," Notice **ARC 7780A** 1/28/98

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 1999.

Senator H. Kay Hedge, Chairperson
3208 335th Street
Fremont, Iowa 52561

Senator Merlin E. Bartz
2081 410th Street
Grafton, Iowa 50440

Senator John P. Kibbie
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ADMINISTRATIVE RULES REVIEW COMMITTEE ACTIONS

FEBRUARY 1997 THROUGH JANUARY 1998

OBJECTION (17A.4(2) and 17A.4(4)“a”)

CORRECTIONS DEPARTMENT[201]

Inmate telephone commissions, 20.20, ARC 7298A, IAB 6/18/97, ARRC meeting 7/8/97.

Objection filed 7/22/97 (Pursuant to Iowa Code section 17A.4(2), the rule ceases to be effective January 18, 1998.)

PERSONNEL DEPARTMENT[581]

Deferred compensation, 15.6, 15.13, ARC 7464A, IAB 8/27/97, ARRC meeting 11/10/97.

Objection filed 11/26/97 (Pursuant to Iowa Code section 17A.4(2), the rule ceases to be effective May 25, 1998.)

SECRETARY OF STATE[721]

County and city election ordinances, 21.30, 21.31, ARC 7295A, IAB 6/18/97, ARRC meeting 7/8/97.

The rules were amended ARC 7456A, IAB 8/27/97; objection was withdrawn ARRC meeting 9/8/97.

70-DAY DELAY (17A.4(5))

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regents tire-derived fuel program, ch 216, ARC 7242A, IAB 5/21/97, delayed 70 days from 6/25/97, ARRC meeting 6/10/97.

Delay withdrawn ARRC meeting 8/19/97, effective 8/20/97.

REVENUE AND FINANCE DEPARTMENT[701]

Communication services, 18.20(5), 18.20(6), ARC 6997A, IAB 1/15/97, delayed 70 days from 2/19/97, ARRC meeting 2/10/97.

Delay expired 4/30/97.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Authorized use and users, ch 7, ARC 7186A, IAB 4/9/97, delayed 70 days from 5/14/97, ARRC meeting 5/13/97.

Ch 7 rescinded effective 7/9/97, ARC 7361A, IAB 7/16/97.

GENERAL REFERRAL TO SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE (17A.8(7))

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Groundwater protection fund, ch 45, ARRC meeting 7/8/97

CORRECTIONS DEPARTMENT[201]

Inmate telephone commissions, 20.20, ARC 7298A, IAB 6/8/97, ARRC meeting 7/8/97

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Required wages under the CEBA program, ARC 7647A, IAB 11/19/97, ARRC meeting 12/9/97

HUMAN SERVICES DEPARTMENT[441]

Eligibility for child care, ch 130, ARRC meeting 6/10/97

LABOR SERVICES DIVISION[347]

Construction contractor registration, ch 150, ARC 7062A, IAB 2/16/97, ARRC meeting 3/10/97

NATURAL RESOURCE COMMISSION[571]

Washboard mussels, 87.1, ARC 7745A, IAB 12/31/97, ARRC meeting 1/6/98

Deer depredation, 106.11, ARC 7574A, IAB 10/8/97, ARRC meeting 11/10/97

PUBLIC SAFETY DEPARTMENT[661]

Direct breath testing, 7.2, ARRC meeting 10/14/97

SECRETARY OF STATE[721]

City and county election ordinances—initiative and referendum, 21.30, 21.31, ARC 7295A, IAB 6/18/97, ARRC meeting 8/19/97

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION[751]

Access to facilities, dial-up from remote locations, ARC 7578A, IAB 10/8/97, ARRC meeting 11/10/97

TRANSPORTATION DEPARTMENT[761]

Handicapped parking, 411.3, ARRC meeting 2/10/97

Digitally issued photo driver's license, 605.26(2)"h," ARC 7706A, IAB 12/17/97, ARRC meeting 1/6/98

POW license plates—retention and renewal by surviving spouse, ARRC meeting 10/14/97

Enhanced penalty for OWI based on past record, H.F. 707, ARRC meeting 12/9/97

UTILITIES DIVISION[199]

Natural gas transportation, 19.13(4)"e" and "f," 19.13(6), ARRC meeting 12/9/97

MISCELLANEOUS

Joe Royce's salary—one step increase, effective 6/27/97, ARRC meeting 7/8/97

Approved paying \$350 NAARR membership dues, ARRC meeting 9/8/97

Approved proposed budget for FY '98-99, ARRC meeting 11/10/97

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
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EDUCATIONAL EXAMINERS BOARD[282]

Mentor endorsement; beginning teacher support program, 14.20(17), ch 21 IAB 12/31/97 ARC 7730A	Conference Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 28, 1998 10 a.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Air quality, 20.2, 20.3, amendments to ch 22, 23.1 to 23.4, 24.1(2), 25.1, 25.2, 28.1, 29.1, 31.2 IAB 1/14/98 ARC 7762A	East Conference Room Air Quality Bureau 7900 Hickman Rd., Suite 1 Urbandale, Iowa	February 13, 1998 1 p.m.
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Landfills, 100.2, 100.3, 102.2, 102.3, 102.7, 102.12, 102.14, ch 103, 108.1, 108.3 to 108.6, 110.7, 110.11(1), 110.12 IAB 1/14/98 ARC 7761A	Conference Room—4th Floor Wallace State Office Bldg. Des Moines, Iowa	February 4, 1998 1 p.m.
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GENERAL SERVICES DEPARTMENT[401]

Parking, ch 4 IAB 1/14/98 ARC 7754A	Director's Conference Room Level A Hoover State Office Bldg. Des Moines, Iowa	February 6, 1998 8 a.m.
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HUMAN SERVICES DEPARTMENT[441]

PROMISE JOBS program, 93.138(3)“a”(3) IAB 1/14/98 ARC 7757A	Conference Room—6th Floor Iowa Bldg., Suite 600 411 Third St. S.E. Cedar Rapids, Iowa	February 6, 1998 10 a.m.
	Lower Level 417 E. Kanessville Blvd. Council Bluffs, Iowa	February 4, 1998 9 a.m.
	Conference Room 3—5th Floor Bicentennial Bldg. 428 Western Davenport, Iowa	February 5, 1998 10 a.m.
	Conference Room 104 City View Plaza 1200 University Des Moines, Iowa	February 5, 1998 1 p.m.

**HUMAN SERVICES
DEPARTMENT[441]
(Cont'd)**

Liberty Room Mohawk Square 22 N. Georgia Ave. Mason City, Iowa	February 5, 1998 10 a.m.
Conference Room 2 120 E. Main Ottumwa, Iowa	February 4, 1998 10 a.m.
Fifth Floor 520 Nebraska St. Sioux City, Iowa	February 5, 1998 1 p.m.
Conference Room 420 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	February 4, 1998 10 a.m.

NATURAL RESOURCE COMMISSION[571]

Mussel regulations, 87.1 IAB 12/31/97 ARC 7745A	Blakes Hall University of Dubuque 2000 University Ave. Dubuque, Iowa	January 28, 1998 7 p.m.
	Public Library 304 Iowa Ave. Muscatine, Iowa	January 29, 1998 7 p.m.

PUBLIC HEALTH DEPARTMENT[641]

Swimming pools and spas, ch 15 IAB 1/28/98 ARC 7787A	Conference Room—3rd Floor Side 1 Lucas State Office Bldg. Des Moines, Iowa	February 24, 1998 1 p.m.
Radiation, amendments to chs 38 to 42, 45 IAB 1/14/98 ARC 7775A	Conference Room—3rd Floor Side 2 Lucas State Office Bldg. Des Moines, Iowa	February 3, 1998 9 a.m.
Mammography, 41.1(12), 41.6, 41.7 IAB 1/14/98 ARC 7774A	Conference Room—3rd Floor Side 2 Lucas State Office Bldg. Des Moines, Iowa	February 9, 1998 9 a.m.
Local boards of health, 77.1 to 77.6 IAB 1/14/98 ARC 7770A (ICN Network)	ICN Room—3rd Floor Lucas State Office Bldg. Des Moines, Iowa	February 3, 1998 10 to 11 a.m.
	National Guard Armory 210 Poplar St. Atlantic, Iowa	February 3, 1998 10 to 11 a.m.
	National Guard Armory 1601 Park St. Storm Lake, Iowa	February 3, 1998 10 to 11 a.m.
	North Iowa Area Community College Activity Center, Room AC106 500 College Dr. Mason City, Iowa	February 3, 1998 10 to 11 a.m.

PUBLIC HEALTH DEPARTMENT[641] (ICN Network) (Cont'd)	Washington Armory ICN Classroom 501 Hwy. 1 South Washington, Iowa	February 3, 1998 10 to 11 a.m.
	Hawkeye Community College 110 Tama Hall 1501 E. Orange Rd. Waterloo, Iowa	February 3, 1998 10 to 11 a.m.
Automatic external defibrillator training—non-EMS agencies, 132.1, 132.16 IAB 1/14/98 ARC 7771A (ICN Network)	National Guard Armory 12 N. 35th St. Denison, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 11 E. 23rd St. Spencer, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 1160 10th St. S.W. Mason City, Iowa	February 3, 1998 2 to 3 p.m.
	Iowa Public TV Room IPTV1 6450 Corporate Dr. Johnston, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 501 Hwy. 1 South Washington, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	February 3, 1998 2 to 3 p.m.
Automatic external defibrillator training—law enforcement agencies, 139.1, 139.2, 139.6 IAB 1/14/98 ARC 7772A (ICN Network)	National Guard Armory 12 N. 35th St. Denison, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 11 E. 23rd St. Spencer, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 1160 10th St. S.W. Mason City, Iowa	February 3, 1998 2 to 3 p.m.
	Iowa Public TV Room IPTV1 6450 Corporate Dr. Johnston, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 501 Hwy.1 South Washington, Iowa	February 3, 1998 2 to 3 p.m.
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	February 3, 1998 2 to 3 p.m.

**PUBLIC HEALTH
DEPARTMENT[641]**
(Cont'd)

Variances and waivers of public health administrative rules, ch 178 IAB 1/28/98 ARC 7786A	Conference Room—4th Floor Lucas State Office Bldg. Des Moines, Iowa	February 17, 1998 2 p.m.
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TRANSPORTATION DEPARTMENT[761]

Placement of validation sticker—motorcycle and small trailer plates, 400.53(1) IAB 1/28/98 ARC 7779A	Conference Room—Lower Level Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	February 19, 1998 11 a.m. (If requested)
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Abandoned vehicles, 480.3 IAB 1/28/98 ARC 7778A	Conference Room—Lower Level Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	February 19, 1998 10 a.m. (If requested)
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VETERANS AFFAIRS COMMISSION[801]

Organization and procedures, 1.2(3)“a” IAB 1/28/98 ARC 7780A	Bldg. A6A Camp Dodge 7700 N.W. Beaver Dr. Johnston, Iowa	February 17, 1998 1 p.m.
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CITATION of Administrative Rules

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

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)

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

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

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

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

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

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CITIZENS' AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Iowa Finance Authority[265]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPLOYMENT SERVICES DEPARTMENT[341]

Job Service Division[345]

Labor Services Division[347]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]

FAIR BOARD[371]

GENERAL SERVICES DEPARTMENT[401]

HUMAN INVESTMENT COUNCIL[417]

HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]

Criminal and Juvenile Justice Planning Division[428]

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Persons With Disabilities Division[431]

Latino Affairs Division[433]

Status of Blacks Division[434]

Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]

INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
INTERNATIONAL NETWORK ON TRADE (INTERNET)[497]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATIONAL AND COMMUNITY SERVICE, IOWA COMMISSION ON[555]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE AND FINANCE DEPARTMENT[701]
 Lottery Division[705]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SESQUICENTENNIAL COMMISSION, IOWA STATEHOOD[731]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOTER REGISTRATION COMMISSION[821]
WALLACE TECHNOLOGY TRANSFER FOUNDATION[851]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Industrial Services Division[873]
 Labor Services Division[875]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

NOTICE --- AVAILABILITY OF PUBLIC FUNDS

<u>Agency</u>	<u>Program</u>	<u>Service Delivery Area</u>	<u>Eligible Applicants</u>	<u>Services</u>	<u>Application Due Date</u>	<u>Contract** Period</u>
Public Health	Childhood Lead Poisoning Prevention Program	*	Local health departments or private non-profit agencies with current child health contracts with the Iowa Department of Public Health.	Provide environmental and medical case management of children identified as lead-poisoned.	3-30-98	7-1-98 to 6-30-99

Request application packet from: Rita Gergely, Director
 Lead Poisoning Prevention Programs
 Iowa Department of Public Health
 Lucas Building
 Des Moines, Iowa 50319-0075
 Telephone Number: (515) 242-6340

* The service area must have children identified as lead-poisoned or be expected to have children identified as lead-poisoned in the near future for whom Iowa Department of Public Health (IDPH) staff currently does or would be expected to provide environmental and medical case management.

** Project period is for 7-1-98 to 6-30-2001.

PLEASE NOTE: Funding for these projects will be dependent upon receipt of funding to the Department from the Centers for Disease Control and Prevention.

NOTICE---AVAILABILITY OF PUBLIC FUNDS

<u>Agency</u>	<u>Program</u>	<u>Service Delivery Area</u>	<u>Eligible Applicants</u>	<u>Services</u>	<u>Application Due Date</u>	<u>Contract Period</u>
Public Health	Innovative Substance Abuse Prevention	Statewide	Nonprofit and governmental entities with experience in providing substance abuse prevention or related service.	Innovative Substance Abuse Prevention Services	4-8-98	7-1-98 to 6-30-99

In writing, request application packet from:

Allen Vander Linden
 Iowa Department of Public Health
 Division of Substance Abuse and Health Promotion
 321 East 12th Street
 Lucas State Office Building
 Des Moines, Iowa 50319-0075
 Phone (515) 281-4636
 Fax (515) 281-4535

Note: Voluntary training is to be offered on
 February 18, 1998

ARC 7783A

December 1, 1997 — December 31, 1997
January 1, 1998 — January 31, 1998

7.10%
7.00%

AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 159.5(11) and 164.4, the Iowa Department of Agriculture and Land Stewardship gives Notice of Intended Action to amend Chapter 66, "Livestock Movement," Iowa Administrative Code.

This amendment is intended to eliminate the brucellosis testing requirements for cattle moving into or within Iowa through concentration points, including auction markets, from herds located in a brucellosis Class Free state. It will allow for the sale of cattle through auction markets in Iowa and into Iowa from other Class Free states without first obtaining a brucellosis test. Iowa became a Class Free state in July 1997. This amendment has been requested by the Iowa Livestock Marketing Association and the Iowa Cattlemen's Association since Iowa has now become a Class Free state.

Any interested person may make written suggestions or comments on the following proposed amendments prior to 4:30 p.m. on February 17, 1998. Such written material should be directed to Dr. Walter D. Felker, State Veterinarian, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319.

This amendment is intended to implement Iowa Code chapter 164.

Amend rule 21—66.7(163) by adding a new subrule as follows:

66.7(8) Cattle which have been located in a brucellosis Class Free state for the six months immediately prior to sale.

NOTICE — AGRICULTURAL
CREDIT CORPORATION
MAXIMUM LOAN RATE

In accordance with the provisions of Iowa Code section 535.12, the Superintendent of Banking has determined that the maximum rate of interest that may be charged on loans by Agricultural Credit Corporations as defined in Iowa Code section 535.12, subsection 4, shall be:

November 1, 1996 — November 30, 1996	6.75%
December 1, 1996 — December 31, 1996	6.75%
January 1, 1997 — January 31, 1997	6.65%
February 1, 1997 — February 28, 1997	6.70%
March 1, 1997 — March 31, 1997	6.70%
April 1, 1997 — April 30, 1997	6.70%
May 1, 1997 — May 31, 1997	7.00%
June 1, 1997 — June 30, 1997	7.00%
July 1, 1997 — July 31, 1997	6.95%
August 1, 1997 — August 31, 1997	7.15%
September 1, 1997 — September 30, 1997	6.95%
October 1, 1997 — October 31, 1997	6.95%
November 1, 1997 — November 30, 1997	6.95%

ARC 7781A

ENGINEERING AND LAND
SURVEYING EXAMINING
BOARD[193C]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board gives Notice of Intended Action to amend Chapter 1, "Administration," Iowa Administrative Code.

This amendment places the responsibility of foreign transcript evaluation on the licensee. Neither staff nor the Board has the expertise to evaluate foreign transcripts.

Any interested person may make written or oral suggestions or comments on the proposed amendment on or before February 17, 1998. Comments should be directed to Glean Coates, Executive Secretary, Iowa Engineering and Land Surveying Examining Board, 1918 S.E. Hulsizer Road, Ankeny, Iowa 50021, or telephone (515)281-7360.

The following amendment is proposed.

Amend rule 193C—1.4(542B), numbered paragraph "1," as follows:

1. Academic transcripts. Completion of post-high school education shall be evidenced by receipt of an applicant's transcripts directly from the office of the registrar of each institution attended. *Under the Foreign Engineering Education Evaluation Program of the National Council of Examiners for Engineering and Surveying, transcripts from institutions located outside the boundaries of the United States of America shall be evaluated for authenticity and substantial equivalency with ABET/EAC accredited engineering programs. Such authentication shall be at the expense of the applicant.*

ARC 7787A

PUBLIC HEALTH
DEPARTMENT[641]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 1351.4, the Iowa Department of Public Health hereby gives Notice of Intended Action to rescind Chapter 15, "Swimming Pools and

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Spas," Iowa Administrative Code, and adopt a new Chapter 15 with the same title.

The rules describe the standards for the design, construction and operation of swimming pools and spas; qualifications for swimming pool and spa operators, lifeguards and inspectors; and procedures and fees for plan review, registration, and inspection of swimming pools and spas.

An ad hoc swimming pool advisory committee was formed to provide guidance to the Department on revising the rules. The advisory committee was composed of representatives of local health departments, the pool building and service industry, the hotel-motel industry, YMCAs, the Iowa League of Cities, high school athletic associations, architects, pool engineers, and city recreation departments.

Below is a summary of the major changes from the existing rules.

To implement Iowa Code section 135I.2, certain homeowners associations are exempt from the rules.

Definitions for "breakpoint chlorination," and "priority plan review" are deleted.

Definitions for "combined chlorine," "decorative fountain," "free chlorine," "multisection water recreation pool," "superchlorination," and "total bromine" are added.

Definitions for "certified pool/spa operator," "engineering plans," "lifeguard," and "shallow water guard" are amended.

A new subrule specifying abbreviations used in the rules is added.

Subrule 15.4(2) entitled "Water quality and testing" recognizes ORP as an alternative disinfection parameter, allows higher disinfectant levels than previously, changes the standard for allowable cyanuric acid level, tightens the clarity requirement for swimming pool water, and sets new standards for test equipment.

Subrule 15.4(3) requires that swimming pools with a volume of 15,000 gallons or more have a chemical feed system for a pH control chemical (formerly just pools over 1500 square feet).

Subparagraph 15.4(4)"a"(1) prohibits the addition of water treatment chemicals directly to a swimming pool while the pool is in use.

Subparagraph 15.4(4)"c"(2) specifies installation standards for starting blocks and requires that the starting blocks be secured from use by the general public.

A restriction on the use of "licensed shallow water guards" and "licensed lifeguards" has been removed.

Subparagraph 15.4(4)"d"(4) updates the requirements for the training of coaches, PE teachers and others supervising "structured swimming programs."

Subparagraph 15.4(4)"d"(5) allows multiple water slides to be supervised by a single attendant under specific circumstances.

Subparagraph 15.4(4)"f"(1) limits the area of certain swimming pools counted for determining the required number of units of lifesaving equipment.

Subparagraph 15.4(4)"f"(4) requires disposable gloves in the first-aid kit and requires the first-aid kit to be in the pool area or a sign posted stating the location of the first-aid kit.

Paragraph 15.4(4)"j" clarifies the placement of depth markers around a swimming pool and at a wading pool.

Paragraph 15.4(6)"f" updates and clarifies the record-keeping requirements for pool operators.

Paragraph 15.4(6)"g" allows inspection agencies to require the submission of certain records from a swimming pool facility.

Paragraphs 15.4(6)"i" and 15.4(6)"j" update and clarify the requirements for a swimming pool operations manual and the material safety data sheets.

Paragraph 15.5(2)"c" regarding "priority plan review" has been removed.

Paragraph 15.5(3)"f" updates and clarifies the requirements for a swimming pool operations manual.

Paragraph 15.5(4)"i" requires a shower area between a swimming pool and an adjacent sand play area and provides standards for the shower area.

Paragraph 15.5(5)"a" removes the requirement for separate disinfection for pools with combined treatment systems.

Paragraph 15.5(7)"e" ensures that swimming pool piping is sized to account for play features and other attractions.

Subparagraph 15.5(9)"a"(6) requires that skimmer equalizer inlets be covered with a fitting to prevent entrapment.

Subrule 15.5(10) requires at least two main drains on any new swimming pool and updates the requirements for the drains and the drain covers.

Paragraph 15.5(11)"g" sets new standards for swimming pool water test equipment.

Paragraph 15.5(12)"a" requires that all new swimming pools have a chemical feed system for a pH control chemical. The requirement was previously limited to swimming pools with an area of 1500 square feet or more.

Subparagraph 15.5(13)"e"(7) clarifies the required locations for depth markers and "no diving" markers around a swimming pool and at a wading pool.

Subparagraph 15.5(13)"g"(1) limits the area of certain swimming pools counted for determining the required number of units of lifesaving equipment.

Paragraph 15.5(14)"d" requires at least two main drains in any new wading pool and specifies the main drain covers.

Paragraph 15.5(19)"f" addresses hot water heaters for showers and lavatories in the bathhouse rather than swimming pool water heaters.

Subrule 15.9(1) adds a reference to spas, sets a time period for the registration of swimming pools and spas, and deletes the fee reference (fee moved to 15.12(1)).

Rule 641—15.11(135I) recognizes another operator certification course and changes the requirements for continuing education for certified operators.

Subrule 15.12(1) specifies the registration fees for swimming pools and spas and sets a time frame for the application of penalty fees.

Subrule 15.12(2) includes spa inspection fees, now in table form, and the provisions of the previous subrules 15.12(3) and 15.12(4) are included as paragraphs under this subrule.

Subrule 15.12(3) includes a revised plan review fee schedule and specifies a higher fee if work is started before a construction permit is issued.

Subrule 15.12(6) regarding "priority plan review" has been removed.

Subrule 15.12(4) makes the course sponsor responsible for the training fees and sets a time for the payment of the fees.

The definitions, formerly rule 641—15.51(135I), are now found in 641—15.3(135I).

Paragraph 15.51(1)"f" removes the references to gutters. Gutters are rarely used on spas.

Subrule 15.51(2) includes the words "and testing" in its catchwords, "Water quality and testing"; includes ORP as a disinfectant parameter for regulation; allows higher disinfectant levels than previously; changes the allowable cyanuric acid level in the spa water; requires measurement of spa

PUBLIC HEALTH DEPARTMENT[641](cont'd)

water temperature; changes the test frequency for combined chlorine, cyanuric acid, total alkalinity, calcium hardness, and bacteria; and sets new standards for the test equipment.

Subparagraph 15.51(4)"a"(1) prohibits the addition of water treatment chemicals directly to the spa when the spa is being used.

Paragraph 15.51(5)"e" updates and clarifies the record-keeping requirements for spa operators.

Paragraph 15.51(5)"f" permits inspection agencies to require the submission of certain records from spa facilities.

Paragraph 15.51(5)"g" updates and clarifies the requirements for an operations manual for a spa.

Subparagraph 15.52(2)"a"(2) permitting certain submissions without engineering has been removed.

Paragraph 15.52(2)"c" regarding "priority plan review" has been removed.

Paragraph 15.52(3)"f" updates and clarifies the required information in a spa operations manual.

Subparagraph 15.52(5)"c"(2) requires a separate agitation system pump on all new spas (formerly required only on spas of 500 gallons or more).

Paragraph 15.52(7)"e" requires that certain parts of the spa agitation system piping be separate from the recirculation system piping.

Paragraph 15.52(9)"b" regarding gutters has been removed.

Subrule 15.52(10) requires at least two main drain outlets for each spa pump, sets standards for the sizing and location of the main drains, and specifies a standard for the main drain covers.

Subrule 15.52(11) adds "pH control" to the catchwords, requires that each new spa be equipped with an automatic disinfectant and pH controller, requires that each new spa have a chemical feed system for a pH control chemical, and sets new standards for spa water test equipment.

Paragraph 15.52(12)"b" specifies the installation of the agitator system on-off control.

Rules 641—15.54(135I) through 15.62(135I) have been removed. These provisions are now found in 641—15.6(135I) through 15.14(135I).

Any interested person may make written suggestions or comments on these rules prior to February 24, 1998. Written materials should be directed to Michael Magnant, Iowa Department of Public Health, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)242-6284; E-mail mmagnant@idph.state.ia.us.

There will be a public hearing on February 24, 1998, at 1 p.m. in the Third Floor Conference Room, Side 1, Lucas State Office Building, 321 E. 12th Street, Des Moines, at which time persons may present their views either orally or in writing. Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Public Health and advise of specific needs.

These rules are intended to implement Iowa Code chapter 135I.

The following chapter is proposed.

Rescind 641—Chapter 15 and insert in lieu thereof the following new chapter:

CHAPTER 15
SWIMMING POOLS AND SPAS

641—15.1(135I) Applicability.

15.1(1) These rules apply to swimming pools, spas, wading pools, water slides, wave pools, and bathhouses con-

nected to swimming pools owned or operated by local or state government, or commercial interests or private entities including, but not limited to, public or private school corporations, hotels, motels, camps, apartments, condominiums, health clubs and country clubs. These rules do not apply to a residential swimming pool or spa that is permanently installed in a single-family dwelling, to a decorative fountain or to a therapeutic swimming pool or spa which is under the direct supervision of qualified medical personnel.

15.1(2) These rules do not apply to a swimming pool or spa operated by a homeowners association representing 72 or fewer dwelling units if the association bylaws, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the swimming pool or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the swimming pool and spa. The association shall notify the department in writing if the association bylaws are amended as above. The inspector designated by the association shall be a certified operator as defined in 15.3(1). A report of the inspection shall be filed with the association secretary and shall be available to any association member on request.

641—15.2(135I) Scope. These rules stipulate minimum safety and water quality requirements for the operation of swimming pools and spas; standards for construction; procedures for registration; qualifications for swimming pool and spa inspectors; qualifications for swimming pool and spa operators and lifeguards; and procedures for health departments to provide for the inspection of swimming pools and spas and enforcement of these rules. Swimming pools and spas which are in compliance with these rules must also comply with the requirements of any other applicable federal, state or local laws, rules or ordinances.

641—15.3(135I) Definitions and abbreviations.

15.3(1) Definitions.

"Air break" is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into a fixture, receptacle, or interceptor at a point below the flood-level rim of the receptacle.

"Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from an inlet pipe and the flood-level rim of a receptacle or floor drain.

"Board of health" means a county, city, or district board of health.

"Body feed" means the continuous addition of controlled amounts of filtering aid during the operation of a diatomaceous earth filter to maintain a permeable filter cake. This is sometimes referred to as a "slurry feed."

"Certified operator" means someone who has successfully completed the Certified Pool/Spa Operator course sanctioned by the National Swimming Pool Foundation, 10803 Guldale, Suite 300, San Antonio, Texas 78216, the Aquatic Facility Operator course sanctioned by the National Recreation and Park Association, Great Lakes Regional Office, 650 West Higgins Road, Hoffman Estates, Illinois 60195, or an equivalent course approved by the department; who has been recertified as required by the sanctioning organization; and who has obtained the continuing education required by 15.11(2).

"Combined chlorine" means nitrogen-chlorine compounds formed by the reaction of a chlorine disinfectant chemical with ammonia and organic nitrogen compounds. "Chloramines" is another term for combined chlorine.

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"Construction" means the installation of a new swimming pool facility. Construction includes modifications to an existing facility which change the total recirculated water volume or the total water surface area by 20 percent or more.

"Deck" means a walkway immediately adjacent to a swimming pool.

"Decorative fountain" means a basin equipped with water sprays or jets that does not serve primarily as a wading or swimming pool and the drain of the basin is not directly connected to any type of suction device for removing or recirculating the water.

"Deep water" means those areas of a swimming pool where the water is more than five feet deep.

"Department" means the Iowa department of public health.

"Engineering plans" means plans and specifications certified in accordance with the rules of the Iowa engineering and land surveying examining board or the architectural examining board by an engineer or architect licensed to practice in the state of Iowa.

"Equalizer pipe" means a pipe from below the water level in a swimming pool or spa to the body of a skimmer which is designed to automatically prevent air from being drawn into the pump when the water level drops below the skimmer inlet.

"Fill and drain wading pool" means a wading pool having no recirculation system.

"Filter" means a mechanical device for removing suspended particles from the swimming pool water and refers to the complete mechanism including all component parts.

"Fountain" means a water fountain which is not established primarily for swimming or wading, but where swimming or wading is allowed, and which has a drain which is connected to a mechanical suction device for removing or recirculating the water.

"Free chlorine" means the concentration of hypochlorous acid and hypochlorite ion in the swimming pool water.

"Hose bib" means a fresh water-threaded outlet for the purpose of attaching a garden hose.

"Hydrostatic relief valve" means a relief valve installed in the bottom of the swimming pool which is designed to operate automatically when the swimming pool is empty, relieving the groundwater pressure around the structure by allowing the groundwater into the swimming pool tank.

"Inlet" means a fitting or opening through which recirculation water enters the swimming pool.

"Lifeguard."

1. "Certified lifeguard" means an individual who holds current certification in one of the following courses and, where applicable, current certification in American Red Cross standard first aid and American Red Cross or American Heart Association infant, child and adult CPR, or equivalent first-aid and CPR certification approved by the department:

- American Red Cross Lifeguard Training
- YMCA Lifeguarding
- Boy Scouts of America Lifeguard

2. "Licensed lifeguard" means an individual who holds a current license from the National Pool and Waterpark Lifeguard Training Program in one of the following programs:

- National Pool and Waterpark Pool Lifeguard
- National Pool and Waterpark Lifeguard Training
- National Pool and Waterpark Deep Water Lifeguard

NOTE: Lifeguard, CPR and first-aid training programs will sometimes be renamed or restructured by the sponsoring organization. As of publication, the American Red Cross of-

fers "Community First Aid and Safety," which includes the first-aid and CPR training required by these rules, and the appropriate American Heart Association CPR course is "Basic Life Support for Healthcare Providers." If there is a question whether a specific training course will meet the requirements of the rules, information about the course should be submitted to the department for evaluation.

"Main drain" means the outlet(s) at the deepest part of a swimming pool or spa.

"Manufacturer's specifications" means written guidelines established by a manufacturer for the installation and operation of the manufacturer's equipment.

"Multisection water recreation pool" means a swimming pool with three or more distinct use areas such as a zero-depth play area, a water slide landing area, a lap swim area, and a diving area.

"Outlet" means a fitting or opening, including the main drain, through which water leaves the swimming pool or spa.

"Perimeter overflow gutter" means a weir and trough around the perimeter of a swimming pool which is used to skim the surface of the water.

"Plunge pool" means a shallow pool designed to serve as a landing area for a water slide.

"Recirculation system" means the pump, piping, filtration system, chemical feed systems and accessories provided for treating the swimming pool or spa water to meet the water quality standards in these rules.

"Reconstruction" means the replacement or modification of a swimming pool or spa shell or deck, a swimming pool or spa recirculation system, a perimeter overflow gutter or skimmer, or a bathhouse associated with a public swimming pool or spa. Reconstruction does not include the replacement of equipment or piping previously approved by the department, provided that the type and size of the equipment are not revised, nor does it include normal maintenance or repair.

"Residential swimming pool" means any swimming pool which is used, or intended to be used, as a swimming pool in connection with a single-family residence and is available only to the family of the householder and their private guests.

"Shallow water" means those areas of a swimming pool where the water is 5 ft deep or less.

"Shallow water guard."

1. "Certified shallow water guard" means a person who has current certification in American Red Cross basic water rescue, current certification in American Red Cross standard first aid, and current certification in American Red Cross or American Heart Association infant, child and adult CPR, or equivalent training approved by the department.

2. "Licensed shallow water guard" means a person who holds a current license from the National Pool and Waterpark Lifeguard Training Program as a National Pool and Waterpark Shallow Water Waterpark Lifeguard.

NOTE: Water safety, CPR and first-aid training programs will sometimes be renamed or restructured by the sponsoring organization. As of publication, the American Red Cross offers "Community First Aid and Safety," which includes the first-aid and CPR training required by these rules, and the appropriate American Heart Association CPR course is "Basic Life Support for Healthcare Providers." If there is a question whether a specific training course will meet the requirements of the rules, information about the course should be submitted to the department for evaluation.

"Skimmer" means a device connected to the recirculation pump suction which is used to skim the swimming pool over a self-adjusting weir.

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“Spa” means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use and which is designed not to be drained, cleaned, and refilled after each individual use. A spa is designed to provide a means of agitation. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Rules 15.51(135I) and 15.52(135I) define minimum standards for the operation and design of spas.

“Speed slide” means a water slide which is designed to enter users into a plunge pool or other deceleration arrangement at a speed of 30 ft per second or more.

“Superchlorination” means the addition of a chlorine disinfectant compound to a swimming pool or spa to a concentration at least ten times the combined chlorine concentration before the addition. Treatment of swimming pool or spa water with nonchlorine chemicals to eliminate or suppress combined chlorine is not superchlorination.

“Swimming pool” means a structure, chamber, or tank constructed of man-made material which contains water and is operated for the purpose of swimming, wading, or diving, such as a swimming pool, wading pool, water slide, wave pool, and associated facilities. The facility may be either publicly or privately owned. This includes, but is not limited to, any such facilities operated by cities, counties, public and private schools, hotels, motels, camps, apartments, condominiums, and health clubs and country clubs.

1. “Class A swimming pool” means a swimming pool with a water surface area of 1500 ft² or more, except for wading pools.

2. “Class B swimming pool” means a swimming pool with a water surface area of less than 1500 ft².

“Swimming pool slide” means any device used to enter a swimming pool by sliding down an inclined plane. Swimming pool slide as used in this chapter is equipment generally similar to a playground slide.

“Temporary spa” means a spa which is installed or situated in one location for a period of less than 30 days.

“Total bromine” means the concentration of hypobromous acid, hypobromite ion and nitrogen-bromine compounds in the swimming pool water.

“Wading pool” means a swimming pool that is no more than 24 inches deep at any point and which is primarily intended for use by young children for general recreation or training.

“Water slide” means a recreational ride which is a sloped trough-like or tubular structure using water as a lubricant and method of regulating rider velocity and which terminates in a plunge pool, swimming pool, or in a specially designed deceleration structure. “Water slide” includes appurtenant structures and devices, such as a plunge pool, pump reservoir, recirculation equipment, flume pumps, and access structures, when they are provided.

“Wave pool” means a swimming pool of special shape and design which is provided with wave generating equipment.

“Zero-depth pool” means a swimming pool in which the pool floor intersects the water surface along at least one side of the pool. This definition does not include wading pools.

15.3(2) Abbreviations.

“AFO” means aquatic facility operator.

“BTU” means British thermal unit.

“CPO” means certified swimming pool/spa operator.

“CPR” means cardiopulmonary resuscitation.

“feet” means feet of water (feet \times 0.43 = psi) when used in discussing pump requirements.

“ft” means foot or feet (distance).

“ft²” means square foot or feet.

“gal” means gallon(s).

“gpm” means gal per minute.

“in Hg” means inches of mercury (in Hg \times 0.49 = psi).

“in²” means square inch(es).

“mg/L” means milligram(s) per liter.

“mV” means millivolts.

“ORP” means oxidation-reduction potential.

“ppm” means parts per million; mg/L and ppm are equivalent terms.

“psi” means pounds per square inch.

“sec” means second (time).

“TDH” means total dynamic head.

641—15.4(135I) Swimming pool operations. Swimming pools shall be operated in a safe, sanitary manner and shall meet the following operational standards.

15.4(1) Filtration and recirculation.

a. Filtration. A swimming pool, except a fill and drain wading pool, shall have a filtration system in good working condition which provides water clarity in compliance with the water quality standards of 15.4(2).

b. The recirculation system of a swimming pool shall meet the following requirements:

(1) During the operating season, pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the swimming pool water recirculation system shall be kept in continuous operation 24 hours per day except for backwashing or servicing.

(2) The recirculation system shall have an operating pressure gauge located before the filter if it is a pressure filter system. A vacuum filter system shall have a vacuum gauge located between the filter and the pump.

(3) Swimming pools shall have a means for skimming the pool water surface.

1. Skimmers shall have an easily removable basket or screen upstream from any valve. Self-adjusting weirs shall be in place to provide skimming action.

2. Gutter or skimmer drainage shall be sufficient to minimize flooding and prevent backflow of skimmed water into the swimming pool.

c. Wastewater. Backwash water from a swimming pool shall be discharged through an air break.

d. Water supply. The water supplied to a swimming pool shall be from a water supply meeting the requirements of the Iowa department of natural resources for potable water.

(1) Water supplied to a swimming pool shall be discharged to the pool system through an air gap or a reduced-pressure principle backflow device meeting the American Water Works Association standard, C-511-92, “Reduced-Pressure Principle Backflow-Prevention Assembly.”

(2) Vacuum breaker backflow preventers shall be provided on all hose bibs serving a swimming pool, shower room, chlorine room, or a filter room.

e. Swimming pool water heaters.

(1) Electric water heaters shall bear the seal of UL, Underwriters Laboratory, Chicago, Illinois.

(2) Gas-fired water heaters shall be equipped with a pressure relief valve.

(3) Fuel-burning water heaters shall be vented to the outside in accordance with the Iowa state plumbing code.

f. Fill and drain wading pools. Each fill and drain wading pool shall be drained at least once every 12 hours and left empty when the pool is not open for use.

15.4(2) Water quality and testing.

a. Disinfection.

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(1) Swimming pool water shall have a free chlorine residual of at least 1.0 ppm or a total bromine residual of at least 2.0 ppm when the swimming pool is open for use. Where a controller with an ORP readout is installed, or where ORP measuring equipment is available, the ORP measurement may be used instead of the residual measurement. The swimming pool water shall have an ORP of at least 700 mV.

(2) If the result of any test of the swimming pool water taken in accordance with 15.4(2)"e"(1) is less than 0.5 ppm free chlorine or less than 1.0 ppm total bromine, two additional tests shall be done at other parts of the swimming pool within 30 minutes.

A swimming pool shall be closed when the results of three or more water tests done within 30 minutes at a minimum of three different parts of the swimming pool are less than 0.5 ppm free chlorine or less than 1.0 ppm total bromine. The swimming pool shall remain closed until the free chlorine residual is 1.0 ppm or the total bromine residual is 2.0 ppm at each part of the swimming pool sampled above.

A swimming pool shall be closed regardless of the residual measurement if the ORP is less than 650 mV as measured by a controller or by ORP measuring equipment. The swimming pool shall remain closed until the ORP is at least 700 mV.

(3) A swimming pool shall be closed if the free chlorine residual exceeds 8.0 ppm or if the total bromine residual exceeds 18 ppm. Where ORP measurements are used, the swimming pool shall be closed if the ORP of the water exceeds 880 mV.

(4) The cyanuric acid concentration in swimming pool water shall be 40 ppm or less. If the cyanuric acid concentration exceeds 80 ppm, the swimming pool shall be closed until the cyanuric acid concentration in the swimming pool water is 40 ppm or less.

b. pH level. The pH of swimming pool water shall be 7.2 to 7.8 if a chlorine chemical is used for disinfection. The pH of swimming pool water shall be 7.2 to 8.4 if a bromine chemical is used for disinfection.

c. Water clarity. A swimming pool shall be closed if the grate openings on the main drain are not clearly visible from the deck.

d. Bacteria detection. If coliform bacteria are detected in a sample taken in accordance with 15.4(2)"e"(6), the swimming pool shall be superchlorinated and a check sample shall be taken when the disinfectant residual is within the requirements of paragraph "a" above. If coliform bacteria are detected in the check sample, the swimming pool shall be closed. The swimming pool may reopen when no coliform bacteria are detected in a swimming pool water sample taken when the pool water meets the requirements of paragraphs "a," "b" and "c" above.

e. Test frequency. The results of the tests required below shall be recorded in the swimming pool records.

(1) The disinfectant residual in the swimming pool water shall be tested each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments or homeowners associations with 25 or fewer living units, testing must be performed at least once each day that the swimming pool is available for use.

If the swimming pool is equipped with an automatic controller with a readout or local printout of disinfectant residual or ORP meeting the requirements of 15.4(2)"f"(4), the operator may make visual readings of disinfectant residual or ORP and record them. The swimming pool water shall be

tested manually at least twice per day. The operator shall specify in the swimming pool records which results are from the manual tests.

(2) The pH of the swimming pool water shall be tested each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments or homeowners associations with 25 or fewer living units, testing must be performed at least once each day that the swimming pool is available for use.

If the swimming pool is equipped with an automatic controller with a readout or local printout of pH meeting the requirements of 15.4(2)"f"(4), the operator may make visual readings of pH and record them. The swimming pool water shall be tested manually at least twice per day. The operator shall specify in the swimming pool records which results are from the manual tests.

(3) The swimming pool water shall be tested for total alkalinity and calcium hardness at least once in each week the swimming pool is open for use.

(4) If a chlorine chemical is used for disinfection, the swimming pool water shall be tested for combined chlorine at least once in each week that the swimming pool is open for use.

(5) If cyanuric acid or a stabilized chlorine is used at a swimming pool, the swimming pool water shall be tested for cyanuric acid at least once in each week that the swimming pool is open for use.

(6) At least once in each month that a swimming pool is open for use, a sample of the swimming pool water shall be submitted to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water. The sample shall be analyzed for total coliform, and fecal coliform bacteria or E. coli.

f. Test equipment.

(1) Each swimming pool facility shall have functional water testing equipment for free chlorine and combined chlorine, or total bromine; pH; total alkalinity; calcium hardness; and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility).

(2) The test equipment shall provide for the direct measurement of free chlorine and combined chlorine, or total bromine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range.

(3) If a chlorine chemical is used for swimming pool water disinfection, the test equipment shall provide for the measurement of swimming pool water pH from 7.0 to 8.0 with at least five increments in that range. If a bromine chemical is used for swimming pool water disinfection, the test equipment shall provide for the measurement of pH from 7.0 to 8.5 with at least seven increments in that range.

(4) A controller readout used in lieu of manual testing shall be a numerical analog or digital display (indicator lights are not acceptable) with the following characteristics:

1. The chlorine or bromine residual scale shall be at least from 0 to 10 ppm with increments of 0.2 ppm or less. The residual readout shall be internally and automatically adjusted for pH.

2. An ORP scale shall have a range of 600 to 900 mV with increments of 20 mV or less.

3. The pH scale shall have at least the same range as required in 15.4(2)"f"(3) with increments of 0.2 or less over the full range.

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g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a swimming pool is open for use.

15.4(3) Chemical feed equipment and cleaning.**a. Chemical feed equipment.**

(1) Equipment for continuous feed of a chlorine or bromine compound approved by the department to the swimming pool water shall be provided and shall be operational. The equipment shall be adjustable in at least five increments over its feed capacity.

(2) Equipment for the continuous feed of a chemical for pH adjustment of the swimming pool water shall be provided and shall be operational for each Class A swimming pool and each other swimming pool with a volume of 15,000 gal or more.

(3) Equipment and piping used to apply chemicals to the water shall be of such size, design, and material that they may be cleaned. All material used for such equipment and piping shall be resistant to the action of chemicals to be used.

b. Cleaning.

(1) The inspection agency (the department or a contracting board of health) may require that a swimming pool be drained and scrubbed with a disinfecting agent prior to further usage.

(2) A vacuum system shall be provided to remove dirt from the bottom of the swimming pool.

15.4(4) Safety.**a. Chemical safety.**

(1) No disinfectant chemical, pH control chemical, algicide, shock treatment chemical, or any other treatment chemical that is toxic or irritating to humans may be added to the swimming pool water from the deck of the swimming pool while the swimming pool is in use. When chemical additions are made from the deck, the swimming pool shall be closed from use for at least one-half hour. The operator shall test the swimming pool water as appropriate before allowing use of the swimming pool. The chemical addition and the test results shall be recorded in the swimming pool records.

(2) Swimming pool treatment chemicals shall be stored and handled in accordance with the manufacturer's recommendations.

(3) Material safety data sheets (MSDS) for the chemicals used at the pool shall be at the facility in a location known and readily accessible to the facility staff.

(4) Chemical storage containers shall be clearly labeled.

(5) A warning sign shall be placed on the door of rooms where chemicals are used or stored, or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps.

(1) Ladders or recessed steps shall be provided in the deep portion of a swimming pool. Stairs, ladders, recessed steps, or ramps shall be provided in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2 ft.

(2) Ladders, ladder rungs and ramps shall be securely anchored.

(3) Stairs, ladder rungs, ramps and recessed steps shall be slip-resistant.

(4) If a swimming pool is over 30 ft wide, recessed steps, ladders, ramps, or stairs shall be installed on each side. If a

stairway extends across 50 percent or more of the shallow end of the swimming pool, that end of the swimming pool shall be considered in compliance with this subrule.

(5) Where recessed steps are provided, securely anchored grab rails shall be provided.

(6) Where stairs or ramps are provided, they shall be equipped with a securely anchored handrail.

(7) When stairs are provided for entry into a swimming pool, a stripe at least 1 inch wide of color contrasting with the swimming pool floor shall be marked at the leading edge of each tread. The stripe shall be slip-resistant.

c. Diving areas.

(1) No diving shall be permitted in areas where the water is 5 ft deep or less except for purposes of competition or training. The diving shall be supervised by a lifeguard, swim instructor or swim coach.

(2) Starting blocks, when provided, shall only be used for competition or training purposes under the supervision of a lifeguard, swim instructor, or swim coach. Starting blocks and starting block installation shall meet the requirements of the competition governing body (National Collegiate Athletic Association, Amateur Athletic Union, or National Federation of State High School Associations). When the swimming pool is open for general use, the starting blocks shall be secured from use by removal, covering, or signage and active supervision.

(3) Diving boards can be permitted only if the diving area dimensions conform to the appropriate minimum requirements indicated in Figure 1, Table 1 and Table 2. Alternative diving well configurations may be used, subject to the approval of the department.

(4) There shall be a completely unobstructed clear distance of 13 ft above the diving board, measured from the center of the front end of the board. This area shall extend at least 8 ft behind, 8 ft to each side, and 16 ft ahead of the measuring point.

(5) Diving boards and platforms over 3 meters in height are prohibited except where approved by the department.

(6) Diving boards and platforms shall have a slip-resistant surface.

(7) Where the top of a diving board or platform is more than 18 inches above the deck, stairs or a ladder shall be provided for access to the diving board or platform.

(8) Handrails shall be provided at all steps and ladders leading to diving boards which are more than 32 inches above the deck.

(9) Platforms and diving boards which are 32 inches or more above the swimming pool deck shall have guardrails at least 36 inches high extending to the edge of the deck. Guardrails shall have at least one horizontal mid-bar.

(10) Supports, platforms, and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads.

NOTE: THE INFORMATION CONTAINED IN FIGURE 1 AND TABLES 1 AND 2 IS FOR SWIMMING POOLS CONSTRUCTED PRIOR TO MARCH 14, 1990. SWIMMING POOLS CONSTRUCTED AFTER MARCH 14, 1990, SHALL MEET THE REQUIREMENTS CONTAINED IN 15.5(13)"a."

When determining distances set out in Tables 1 and 2, measurements shall be taken from the top center of the front edge of the diving board.

FIGURE 1

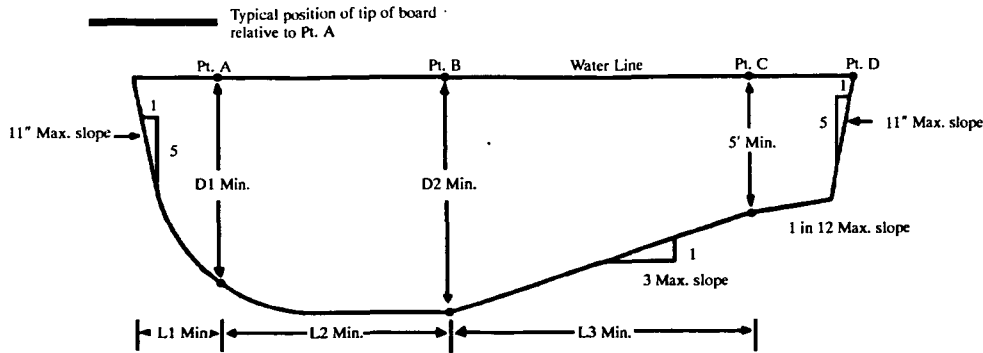


TABLE 1

DIVING BOARD HEIGHT ABOVE WATER	MAXIMUM DIVING BOARD LENGTH	MINIMUM DIMENSIONS				
		D1	D2	L1	L2	L3
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8.75 ft	10.5 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft

TABLE 2

DIVING BOARD HEIGHT ABOVE WATER	MINIMUM DISTANCE		
	TO POOL SIDE	TO 1-METER DIVING BOARD	TO 3-METER DIVING BOARD
Deck level to 1 meter	9 ft	8 ft	10 ft
Greater than 1 meter	11 ft	10 ft	10 ft

d. Lifeguards and shallow water guards.

(1) Except for wading pools, lifeguards are required at municipal and school swimming pools of any size and other swimming pools having a water surface area of 1500 ft² or larger. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, or mobile home parks are exempt from lifeguard requirements.

(2) Shallow water guards may be used at plunge pools which are 4 ft deep or less and at wading pools.

(3) For open recreation swimming, there shall be at least one lifeguard guarding the pool at all times for up to 30 swimmers in the water; for over 30 swimmers in the water, there shall be at least two lifeguards on duty, one of whom shall be guarding the pool at all times for up to 125 swimmers in the water. An additional lifeguard shall be provided for each additional 125 swimmers in the water or fraction thereof.

(4) For a structured swimming program, such as lap swim, competitive swimming, water exercise classes, swim lessons and physical education classes, a lifeguard is not required provided the program is supervised by an instructor, teacher, or coach who is a lifeguard or has current certification from the American Red Cross in basic water rescue, standard first aid, and child and adult CPR, or equivalent training approved by the department.

(5) Water slide attendants. Each water slide shall have a minimum of two attendants, one stationed at the top of the slide and one at the bottom of the slide. The water slide attendants shall be either lifeguards or shallow water guards. Where the water slide attendant stationed at the bottom of a

slide which empties into a swimming pool is a shallow water guard, the attendant shall only be responsible for guarding the water slide landing area.

If two or three water slides start at the same platform and the distance between the centerlines of any two start structures is 10 ft or less, one attendant may supervise the slides. If two water slides terminate within the same defined landing area, one attendant may supervise the landing area.

e. Lifeguard chairs. For outdoor swimming pools where lifeguards are required by rule, at least one elevated lifeguard chair or station shall be provided for a swimming pool with a water surface area of 2000 to 4000 ft² inclusive; at least two chairs shall be provided if the area is 4001 to 6000 ft²; and at least three chairs shall be provided if the area is 6001 ft² or more. Swimming pools are not required to have more than three lifeguard chairs or stations. This requirement does not apply to wave pools or wading pools.

f. Emergency equipment and facilities.

(1) Except for wading pools, a minimum of one unit of lifesaving equipment shall be provided for each 1500 ft² of water surface area or fraction thereof. The area of a swimming pool where the water is 2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than ten units of lifesaving equipment.

(2) A unit of lifesaving equipment consists of one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a 1/4-inch diameter line with a length of at least one-half the width of the pool, but no more than 60 ft, or

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2. A life pole, or a "shepherd's crook" of at least 8 ft in length, and having blunted ends, or

3. A rescue buoy made of lightweight, hard, buoyant plastic with molded hand grips along each side and provided with a 4- to 6-ft tow rope and shoulder strap, or

4. A rescue tube made of a soft, strong, foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the end with the ring shall be a 6-ft long towline with a shoulder strap, or

5. Any other piece of rescue equipment approved by the department.

NOTE: RESCUE EQUIPMENT IDENTIFIED IN 15.4(4)"F"(2)"3" AND 15.4(4)"F"(2)"4" ABOVE SHALL BE USED ONLY AT SWIMMING POOLS WHERE LIFEGUARDS ARE EMPLOYED.

(3) Lifesaving equipment shall be mounted in conspicuous places around the swimming pool deck during normal operations.

(4) A swimming pool facility shall have a first-aid kit which contains, at a minimum, a supply of the following:

1. Band-Aids.
2. Bandage compress.
3. Self-adhering gauze bandage.
4. Latex (or similar material) disposable gloves.

Where lifeguards are not provided, the first-aid kit shall be prominently mounted in the swimming pool enclosure, or a sign stating its location shall be posted near the swimming pool.

(5) A standard spine board with straps and a head immobilizer shall be provided at each swimming pool where lifeguards are required by rule.

(6) A gated exit of at least 36 inches in width shall be provided for emergency purposes.

(7) Except for wading pools, a designated emergency telephone capable of being operated without coins shall be available to users of swimming pools. When the telephone is not within the confines of the swimming pool enclosure, the location of the emergency telephone shall be posted in at least one conspicuous place within the swimming pool enclosure.

g. Water level. Water level in swimming pools shall be maintained at the skimming level.

h. Main drains. Each outlet, including the main drain(s), shall be designed to prevent human entrapment.

(1) Each drain shall have a cover with openings or slots no more than 1/2-inch wide.

(2) Drain covers shall not be removable without the use of tools.

(3) Each main drain shall be covered with a grate with a minimum area equal to a 12-inch by 12-inch square, an anti-vortex cover or another drain cover approved by the department.

i. Surface finish and float lines.

(1) The bottom and sides of a swimming pool shall be white or a light color. This does not prohibit painting or marking racing lines, stairs or turn targets with contrasting colors.

(2) The swimming pool walls and floor shall have a smooth surface in order to facilitate cleaning.

(3) The boundary between shallow and deep water (5 ft) shall be marked by a float line with floats spaced no more than 5 ft apart. The float line shall be installed within 12 inches of the shallow side of the boundary. When the slope of the floor of a swimming pool exceeds 1 ft vertical to 12 ft horizontal at a depth of less than 5 ft, the float line shall be

placed within 12 inches of the shallow edge of the slope change.

(4) A wave pool shall be equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep end wall. Users shall not be permitted between the float line and the deep end wall.

(5) The landing area for a swimming pool slide or a water slide that terminates in a swimming pool shall be delineated by a float line or as approved by the department.

j. Depth marking.

(1) Depth markers shall be located on the deck no more than 3 ft from the edge of the swimming pool. The depth of a wave pool shall also be marked on the side walls of the wave pool, above the maximum static water level, where the depth is 3 ft or more, and on the deep end wall of the wave pool. Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool.

(2) Depth markers shall be located at 1-ft depth intervals, but not more than 20 ft apart measured between the centers of the depth markers around the area of a swimming pool which has a water depth of 5 ft or less and around the area of a wave pool where the water depth is 3 ft or more. Depth markers are not required at a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

(3) Depth markers shall be located not more than 20 ft apart measured between the centers of the depth markers around the deep end of the swimming pool. The words "Deep Water" may be used in place of numerals as depth markers.

(4) In lieu of subparagraph (2) above, the maximum depth of a wading pool may be posted at each entrance to a wading pool enclosure and at one conspicuous location inside the wading pool enclosure in letters or numbers at least 3 inches high.

(5) Swimming pool areas where diving is not permitted shall be marked with "No Diving" or equivalent wording or graphics on the pool deck within 3 ft of the edge of the swimming pool at intervals no greater than 25 ft between the centers of the markers around the perimeter of the area. This marking is not required for wading pools.

(6) Letters, numbers, and graphics marked on the deck shall be slip-resistant, of a color contrasting with the deck and at least 4 inches in height.

k. Deck safety.

(1) Decks shall be maintained slip-resistant and free of litter, obstructions, and tripping hazards.

(2) Glass objects, other than eyeglasses and safety glass doors and partitions, shall not be permitted on the deck.

(3) There shall be no underwater or overhead projections or obstructions which would endanger swimmer safety or interfere with proper swimming pool operation.

l. Fencing.

(1) Except for a fill and drain wading pool, a swimming pool shall be enclosed by a fence, wall, building, enclosure, or combination thereof not less than 4 ft high and made of durable material.

(2) A fence, wall, or other means of enclosure shall have no openings, other than gateways and doorways, that would allow the passage of a 4-inch sphere, and shall not be easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from the outside of the facility, or between the two lowest horizontal supports accessible from outside the facility shall be at least 45 inches. Except where controlled entrance is provided, gates and doors shall be lockable, self-closing, and self-latching.

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(3) If a wading pool is within 50 ft of a swimming pool, the wading pool shall have a barrier at least 36 inches high separating it from the swimming pool.

(4) An indoor swimming pool shall be enclosed by a barrier at least 3 ft high if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas used by children which open directly into the swimming pool area. No opening in the barrier except for a gate or door shall permit the passage of a 4-inch sphere. Gates or doors shall be lockable, self-closing, and self-latching.

(5) A facility with an indoor swimming pool(s) and which has secured entry to the facility shall be considered to have met the provisions of 15.4(4)“1” (1) and (2).

(6) A wave pool shall have a continuous barrier along the full length of each side of the wave pool. The barrier shall be at least 42 inches high and be installed 2½ to 3 ft from the side of the wave pool. Wave pool users shall not be permitted in this area.

m. Electrical.

(1) Electrical outlets. Each electrical outlet in the deck, shower room, and the pool water treatment equipment areas shall be equipped with properly installed ground fault circuit interrupter (GFCI) receptacles or breakers. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker. GFCI receptacles and breakers shall be tested at least once in each month that the swimming pool is in operation. Testing dates and results shall be recorded in the pool records.

(2) Lighting.

1. Artificial lighting shall be provided at a swimming pool which is to be used at night or which does not have adequate natural lighting so that all portions of the swimming pool, including the bottom and main drain, may be clearly seen.

2. Underwater lights and fixtures shall be designed for their intended use. When the branch circuit supplying the fixtures is operating at more than 15 volts, the circuit shall be protected by a GFCI. When an underwater light needs to be repaired, the electricity shall be shut off until repairs are completed.

3. For outdoor swimming pools, no electrical wiring, except for overhead illumination, shall pass over a swimming pool.

n. Chlorine gas and carbon dioxide.

(1) Gas chlorine feed equipment and full and empty chlorine cylinders shall be housed in a room or building used exclusively for that purpose during the pool operation season. Gas chlorine installations constructed prior to March 14, 1990, that are housed within chain link fence or similar enclosures may be used provided that the chlorine cylinders are protected from direct sunlight and the applicable requirements below are met.

1. A gas chlorine room or building shall have an airtight exhaust system which takes its suction near the floor and discharges out of doors in a direction to minimize the exposure to swimming pool patrons. The system shall provide one air change every four minutes.

2. An air intake shall be provided near the ceiling.

3. The exhaust fan shall be operated from a switch in a nearby location outside the chlorine room or building. The switch shall be clearly labeled “Chlorine Exhaust Fan.”

4. The discharge from the exhaust system shall be outside the pool enclosure.

5. Artificial lighting shall be provided in the chlorine room or building.

6. The door of a chlorine room or building shall be secured in an open position whenever the room is occupied.

7. A plastic bottle of commercial strength ammonia solution for leak detection shall be provided.

8. Rooms or buildings where chlorine is stored or used shall be placarded in accordance with 347—Chapter 140, Iowa Administrative Code.

(2) Chlorine and carbon dioxide (CO₂) cylinders.

1. Gas chlorine and CO₂ cylinders shall be individually anchored with safety chains or straps to prevent their falling over.

2. Storage space shall be provided so that chlorine cylinders are not subject to direct sunlight.

3. The chlorinator shall be designed to prevent the backflow of water or moisture into the chlorine gas cylinder.

4. An automatic shutoff shall be provided to shut off the gas chlorinator and the pH control chemical pump when the recirculation pump stops.

o. Water slides.

(1) Water slide support structures shall be free of obvious structural defects.

(2) Plunge pool depth shall be at least 3 ft and no more than 4 ft at the end of the flume and for at least 15 ft beyond the end of the flume.

(3) The internal surface of a flume shall be smooth and continuous for its entire length.

(4) The flume shall have no sharp edges within reach of a user while in the proper sliding position.

15.4(5) Showers, dressing rooms, and sanitary facilities. Swimming pool users shall have access to showers, dressing rooms, and sanitary facilities that are clean and free of debris. If a bathhouse is provided, the following shall be met:

a. Floors shall have a slip-resistant surface.

b. Floors shall provide adequate drainage to prevent standing water.

c. Carpeting. Olefin or other approved carpeting may be used in locker room or dressing room areas provided there is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other area where water can accumulate.

d. All lavatories, showers, and sanitary facilities shall be functional.

15.4(6) Management, notifications, and records.

a. Certified operator required. Each swimming pool facility shall employ a certified operator. One certified operator may be responsible for a maximum of three swimming pool/spa facilities. Condominium associations, apartments and homeowners associations with 25 or fewer living units are exempt from this requirement.

b. Pool rules sign. A legible pool rules sign shall be posted conspicuously at a minimum of two locations within the swimming pool enclosure. The sign shall include:

(1) No diving in the shallow end of the swimming pool and in other areas where it is marked “NO DIVING.”

(2) No horseplay in or around the swimming pool.

(3) No running on the deck.

c. Other rules. Management may adopt and post such other rules as it deems necessary to provide for user safety and the proper operation of the facility.

d. “No Lifeguard” sign. A sign shall be posted at each entry to a swimming pool or a wading pool where lifeguards are not required.

(1) The sign(s) at a swimming pool shall state that lifeguards are not on duty and children under the age of 12 must be accompanied by an adult.

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(2) The sign(s) at a wading pool shall state that lifeguards are not on duty and children must be accompanied by an adult.

e. Water slide rules. Rules and restrictions for the use of a water slide shall be posted near the slide. The rules shall address the following as applicable:

- (1) Use limits.
- (2) Attire.
- (3) Riding restrictions.
- (4) Water depth at exit.
- (5) Special rules to accommodate unique aspects of the attraction.
- (6) Special warnings as to the relative degree of difficulty.

f. Operational records. The operator of a swimming pool shall have the swimming pool operational records for the previous 12 months at the swimming pool facility and shall make these records available upon request by a swimming pool inspector. These records shall contain a day-by-day account of swimming pool operation, including:

- (1) Results of pH, free chlorine or total bromine residual, cyanuric acid (if used), total alkalinity, combined chlorine, and calcium hardness tests, and any other chemical test results.
- (2) Results of microbiological analyses.
- (3) Reports of complaints, accidents, injuries, and illness.
- (4) Dates and quantities of chemical additions, including resupply of chemical feed systems.
- (5) Dates when filters were backwashed, cleaned or a filter cartridge was changed.
- (6) Monthly ground fault circuit interrupter test results.
- (7) Dates of review of material safety data sheets.

g. Submission of records. The inspection agency (the department or a contracting board of health) may require a swimming pool facility operator to submit copies of chemical test results and microbiological analyses to the inspection agency on a monthly basis. The inspection agency shall notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility operator shall submit the required reports to the inspection agency within 10 days after the end of each month of operation.

h. Certificates. Copies of certified operator certificates, and copies of lifeguard, first-aid, basic water rescue, and CPR certificates for the facility staff shall be kept at the facility.

i. Operations manual. A permanent manual for the operation of the swimming pool shall be kept at the facility. It shall include at a minimum:

- (1) Operating and maintenance instructions for each type of filter, pump and safety device, including filter backwash or cleaning instructions. For each recirculation pump installed after March 13, 1993, a pump performance curve plotted on an 8½" × 11" sheet shall be included.
- (2) Operating and maintenance instructions for other equipment used at the swimming pool.
- (3) Water testing procedures.
- (4) A schematic drawing of the pool recirculation system. Clear labeling of the swimming pool piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

j. Material safety data sheets. Copies of material safety data sheets of the chemicals used at the swimming pool shall be kept at the facility in a location known to facility staff with chemical handling responsibilities. The material safety data

sheets shall be reviewed with the facility staff at least annually.

k. Emergency plan. A written emergency plan shall be prepared for chemical handling accidents, injuries, weather emergencies, or other serious incidents. The emergency plan shall be reviewed with the swimming pool staff at least annually. The dates of reviews and training shall be recorded in the pool records.

l. Lifeguard staffing plan. The lifeguard staffing plan for the facility shall be available to the swimming pool inspector at the facility. The plan shall include staffing assignments for all programs conducted at the pool.

15.4(7) Reports. Swimming pool and spa operators shall report to the department within one business day of occurrence all deaths; near drowning incidents; head, neck, and spinal cord injuries; and any injury which renders a person unconscious or requires immediate medical attention.

641—15.5(135I) Construction and reconstruction. A swimming pool constructed or reconstructed after the effective date of these rules shall comply with the following standards. An existing swimming pool shall comply with the requirements of 641—15.4(135I). Nothing in these rules is intended to exempt swimming pools and associated structures from any applicable federal, state or local laws, rules, or ordinances. Applicable requirements may include, but are not limited to, the handicapped access and energy requirements of the state building code, the fire and life safety requirements of the state fire marshal, the rules of the Iowa department of workforce development, and the rules of the Iowa department of natural resources.

15.5(1) Construction permit.

a. Permit required. No swimming pool shall be constructed or reconstructed without first receiving a permit from the department. Construction shall be completed within 24 months from the date the construction permit is issued unless an extension is granted in writing by the department.

b. Permit application. The owner of a proposed or existing swimming pool facility or a designated representative of the owner shall apply for a construction permit on forms provided by the department. The application shall be submitted to the department at least 15 days prior to the start of construction of a new swimming pool or the reconstruction of an existing swimming pool.

c. Plan submission and fee. Three sets of plans and specifications shall be submitted with the application. A nonrefundable plan review fee for each swimming pool, water slide, wave pool, wading pool, zero-depth swimming pool, and multisection water recreation pool shall be remitted with the application as required in 15.12(3).

d. Notification of completion. The owner of a newly constructed or reconstructed swimming pool facility, or the owner's designated representative, shall notify the department in writing within 15 business days of the completion of construction and prior to opening the pool.

15.5(2) Plans and specifications.

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the Iowa engineering and land surveying examining board or the Iowa architectural examining board by an engineer or architect licensed to practice in Iowa. This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, provided there is no effect on the recirculation flow rate or a requirement for structural modifications or additions to any building.

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If the requirement for engineering plans is waived, the owner of the swimming pool facility assumes full responsibility for ensuring that the reconstruction complies with these rules and with any other applicable federal, state and local laws, rules and ordinances.

b. Content of plans. Plans and specifications submitted shall contain sufficient information to demonstrate to the department that the proposed swimming pool will meet the requirements of this chapter. These rules shall include, but may not be limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the pool in relation to buildings, streets, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the swimming pool and its appurtenances, including a plan view and cross sections at a scale of 1/8 inch per ft or larger. The location of inlets, overflow system components, main drains, the deck and deck drainage, the location and size of pool piping, the swimming pool ladders, stairs and deck equipment, including diving stands and boards, and fencing shall be shown.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, heaters, and surge tanks; and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the makeup water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply; drain and vent systems; gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the swimming pool, for the swimming pool equipment and for the swimming pool appurtenances.

c. Deviation from plans. No deviation from the plans and specifications, or conditions of approval shall be made without prior approval of the department.

15.5(3) General design.

a. Construction of fill and drain wading pools is prohibited.

b. Materials. Swimming pools shall be constructed of materials which are inert, stable, nontoxic, watertight, and durable.

c. Structural loading.

(1) Swimming pools shall be designed and constructed to withstand the anticipated structural loading. If maintenance of the structural integrity of the swimming pool requires specific operations or limits of operation, these shall be specified in the permanent operations manual required in 15.5(3)"f."

(2) Except for aboveground swimming pools, a hydrostatic relief valve or a suitable underdrain system shall be provided.

d. Water supply. The water supplied to a swimming pool shall be from a water supply meeting the requirements of the Iowa department of natural resources for potable water.

(1) Water supplied to a swimming pool shall be discharged to the pool system through an air gap, or a reduced-pressure principle backflow device complying with American Water Works Association standard C-511-92,

"Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Vacuum breaker backflow preventers shall be provided on all hose bibs serving a swimming pool.

e. No part of a swimming pool recirculation system may be directly connected to a sanitary sewer. An air break or an air gap shall be provided.

f. Operations manual. The owner shall require that a permanent manual for the operation of the swimming pool facility be provided. The manual shall include:

(1) Operating and maintenance instructions for each type of filter, pump and safety device, including filter backwash or cleaning instructions. For each centrifugal pump, a pump performance curve plotted on an 8½" x 11" or larger sheet shall be included. For each chemical feeder, the maximum rated output shall be listed in weight per time or volume per time units.

(2) Operating and maintenance instructions for other equipment used at the swimming pool.

(3) A parts list and exploded drawing for each piece of equipment with field replaceable parts.

(4) A schematic drawing of the pool recirculation system. Clear labeling of the swimming pool piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

15.5(4) Decks.

a. Deck width. A swimming pool shall be surrounded by a deck. The deck shall be at least 6 ft wide for a Class A swimming pool, and 4 ft wide for a Class B swimming pool, and shall extend at least 4 ft beyond the diving stands, life-guard chairs, or any other deck equipment.

b. Materials. Decks shall be constructed of impervious materials and shall be provided with a slip-resistant surface.

c. Deck coverings. Porous, nonfibrous deck coverings may be used, subject to department approval, provided that:

(1) The covering allows drainage so that the covering and the deck underneath it do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) The covering is durable and cleanable.

d. Deck drainage. The deck of a swimming pool shall not drain to the pool or to the pool recirculation system except as provided in 15.5(15)"c" and 15.5(16)"b." For deck-level swimming pools ("rimflow" or "rollout" gutter), a maximum of 5 ft of deck may slope to the gutter.

e. Deck slope. The deck slope shall be at least 1/8 inch/ft and no more than ½ inch/ft to drain.

f. Surface runoff. For outdoor swimming pools, a means shall be provided to prevent surface runoff from entering the swimming pool.

g. Synthetic floor covering. The installation of a floor covering of synthetic material may be used only in separate sunbathing, patio, or refreshment areas, except as permitted by 15.5(4)"c."

h. Hose bibs. At least one hose bib shall be provided for flushing the deck.

i. Rinse showers. If users are permitted free access between the deck and an adjacent sand play area without having to pass through a bathhouse, a rinse shower area shall be installed between the deck and the sand play area. Fences, barriers and other structures shall be installed so that users must pass through the rinse shower area when going from the sand play area to the deck.

(1) Tempered water shall be provided for the rinse shower(s).

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(2) The rinse area shall have sufficient drainage so that there is no standing water.

(3) Foot surfaces in the rinse shower area shall be impervious and slip-resistant.

15.5(5) Recirculation.

a. Combined recirculation. Two or more swimming pools may share the same recirculation system provided that:

(1) The recirculation flow rate for each swimming pool shall be calculated in accordance with 15.5(5)"b." The recirculation flow rate for the system shall be at least the arithmetic sum of the recirculation flow rates of the swimming pools.

(2) The flow to each pool shall be adjustable. A flow meter shall be provided for each pool.

b. Recirculation flow rates. The recirculation flow rate shall provide for the treatment of one pool volume within:

(1) Four hours for a swimming pool with a volume of 30,000 gal or less.

(2) Six hours for a swimming pool with a volume of more than 30,000 gal.

(3) Four hours for a wave pool.

(4) Four hours for a zero-depth pool.

(5) Two hours for a wading pool.

(6) Two hours for a water slide plunge pool.

(7) For swimming pools with skimmers, the recirculation flow rate shall be at least 30 gpm per skimmer or the recirculation flow rate defined above, whichever is greater.

(8) The recirculation flow rate for pools not specified in 15.5(5)"b"(1) to (7) shall be determined by the department.

c. Recirculation pump. The recirculation pump(s) shall comply with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," published by NSF International, and the following requirements:

(1) The pump(s) shall supply the recirculation flow rate required by 15.5(5)"b" at a TDH of at least that given in "1," "2," and "3" below, unless a lower pressure is shown by the designer to be hydraulically appropriate. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.

1. 40 ft for vacuum filters; or

2. 60 ft for pressure sand filters; or

3. 70 ft for pressure diatomaceous earth filters or cartridge filters.

(2) For sand filter systems, the pump(s) shall have sufficient capacity to provide a backwash rate of at least 15 gpm/ft² of filter area.

(3) If a pump is located at an elevation higher than the pool water surface, it shall be self-priming or the piping shall be arranged to prevent the loss of pump prime when the pump is stopped.

(4) Where a vacuum filter is used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 in Hg.

(5) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump. Gauges shall be located and of such a size that they may be easily read by the operator.

(6) On pressure filter systems, a hair and lint strainer shall be installed on the suction side of the pump. The hair and lint strainer basket shall be easily removable for cleaning, changing, or inspection. A spare strainer basket shall be provided. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Swimming pool water heaters.

(1) A heating coil, pipe or steam hose shall not be installed in a swimming pool.

(2) Gas-fired pool water heaters shall comply with the requirements of ANSI-Z21.56-1994 and ANSI-Z21.56a-1996 as published by American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia. The data plate of the heater shall bear the American Gas Association mark.

(3) Electric pool water heaters shall comply with the requirements of UL 1261 as published by Underwriters Laboratory, Chicago, Illinois, and shall bear the UL mark.

(4) A swimming pool water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) shall have a water heating vessel constructed in accordance with American Society of Mechanical Engineers (ASME) Boiler Code, Section 8, as published by ASME, 345 East 47th Street, New York, New York. The data plate of the heater shall bear the ASME mark.

(5) A thermometer shall be installed in the piping to measure the temperature of the water returning to the pool. The thermometer shall be located so that it may be easily read by an operator.

(6) Combustion air shall be provided for fuel-burning water heaters as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or as required by local ordinance.

(7) Fuel-burning water heaters shall be vented as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or as required by local ordinance.

e. Flow meters.

(1) Each swimming pool recirculation system shall be provided with a permanently installed flow meter to measure the recirculation flow rate.

(2) In a multiple pool system, a flow meter shall be provided for each pool.

(3) A flow meter shall be accurate within 5 percent of the actual flow rate between ± 20 percent of the recirculation flow rate specified in 15.5(5)"b" or the nominal recirculation flow rate specified by the designer.

(4) A flow meter shall be installed on a straight length of pipe with sufficient clearance from valves, elbows or other source of turbulence to attain the accuracy required by 15.5(5)"e"(3). The flow meter shall be installed so that it may be easily read by the facility operator or a remote read-out of the flow rate shall be installed where it may be easily read by the operator. The designer may be required to provide documentation that the installation will meet the requirements of this subrule.

f. Vacuum cleaning system.

(1) A swimming pool vacuum cleaning system capable of reaching all parts of the pool bottom shall be provided.

(2) A vacuum system may be provided which utilizes the attachment of a vacuum hose to the suction piping through a skimmer.

(3) Automatic vacuum systems may be used provided they are capable of removing all debris from all parts of the swimming pool bottom.

15.5(6) Filtration. A filter shall comply with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," published by NSF International, and the following requirements:

a. Pressure gauges. Each pressure filter shall have a pressure gauge on the inlet side. Gauges shall be located and of such a size that they may be read easily by the operator. A differential pressure gauge that gives the difference between

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the inlet and outlet pressure of the filter may be used in place of a pressure gauge.

b. Air relief valve. An air relief valve shall be provided for each pressure filter.

c. Backwash water visible. Backwash water from a pressure filter shall discharge through an observable free fall, or a sight glass shall be installed in the backwash discharge line.

d. Indirect connection required. Backwash water shall be discharged indirectly to a sanitary sewer or another point of discharge approved by the Iowa department of natural resources.

e. Rapid sand filter.

(1) The filtration rate shall not exceed 3 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

f. High-rate sand filter.

(1) The filtration rate shall not exceed 15 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

(3) If more than one filter tank is served by a pump, the designer shall demonstrate that the backwash flow rate to each filter tank meets the requirements of subparagraph (2) above, or an isolation valve shall be installed at each filter tank.

g. Vacuum sand filter.

(1) The filtration rate shall not exceed 15 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

(3) An equalization screen shall be provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system shall have an automatic air purging cycle.

h. Sand filter media shall comply with the manufacturer's specifications.

i. Diatomaceous earth filter.

(1) The filtration rate shall not exceed 1.5 gpm/ft² of effective filter area except that a maximum filtration rate of 2.0 gpm/ft² may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems shall have piping to allow recycling of the filter effluent during precoat.

(3) Waste diatomaceous earth shall be discharged to a sanitary sewer or other point of discharge approved by the Iowa department of natural resources. The discharge may be subject to the requirements of the local wastewater utility.

j. Cartridge filter.

(1) The filtration rate shall not exceed 0.38 gpm/ft² of filter area.

(2) A duplicate set of cartridges shall be provided.

k. Other filter systems may be used if approved by the department.

15.5(7) Piping.

a. Piping standards. Swimming pool piping shall conform to applicable nationally recognized standards and shall be specified for use within the limitations of the manufacturer's specifications. Recirculation piping shall comply with the applicable requirements of ANSI/NSF Standard 61, "Drinking Water System Components—Health Effects," as published by NSF International, Ann Arbor, Michigan.

b. Pipe sizing. Swimming pool recirculation piping shall be sized so water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow. Gravity piping

shall be sized so the head loss in piping, fittings, or valves, for example, does not exceed the difference in water levels between the swimming pool and the operating level in the surge or filter tank at the recirculation flow rate.

c. Overflow system piping. The piping for an overflow perimeter gutter system shall be designed to convey at least 125 percent of the recirculation flow rate. The piping for a skimmer system shall be designed to convey at least 100 percent of the recirculation flow rate.

d. Main drain piping. The main drains and main drain piping shall be designed to convey 100 percent of the recirculation flow rate.

e. Play feature circulation. Where there are attractions, such as water slides, fountains and play features, that circulate water to the swimming pool and through the main drain and overflow systems, the main drain and overflow systems and the associated piping shall be designed to accommodate the combined flow of the recirculation system and the attractions within the requirements of paragraph "b" above and the applicable requirements of 15.5(9) and 15.5(10).

15.5(8) Inlets.

a. Inlets required. Wall inlets or floor inlets, or both, shall be provided for a swimming pool.

b. Inlet spacing. Where wall inlets are used, they shall be no more than 20 ft apart around the perimeter of the area with an inlet within 5 ft of each corner of the swimming pool.

(1) There shall be at least one inlet at each stairway or ramp leading into a swimming pool.

(2) Except for wading pools, wall inlets shall be located at least 6 inches below the design water surface.

(3) Wall inlets in pools with skimmers shall be directional flow-type inlets.

(4) Each inlet shall have a directional flow inlet fitting with an opening of 1 inch diameter or less, or a fitting with openings 1/2-inch wide or less.

c. Floor inlets. Floor inlets shall be provided for those areas of a zero-depth swimming pool or wave pool where the water is less than 2 ft deep. Floor inlets shall be no more than 20 ft apart in the area where they are used. There shall be floor inlets within 15 ft of each wall of the swimming pool in the area where they are used. Floor inlets shall be flush with the pool floor.

d. Adequate distribution required. The inlet system shall be designed to provide adequate distribution of treated water throughout the pool. The designer may be required to provide documentation of adequate distribution. The department can require dye testing of a pool.

15.5(9) Overflow system.

a. Skimmers. Recessed automatic surface skimmers shall be listed by NSF International or by another listing agency approved by the department as complying with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, Ann Arbor, Michigan.

(1) Skimmers may be used for swimming pools which are no more than 30 ft wide.

(2) A swimming pool shall have at least one skimmer for each 500 ft² of surface area or fraction thereof.

(3) Each skimmer shall be designed for a flow-through rate of at least 30 gpm or 3.8 gpm per lineal inch of weir, whichever is greater. The combined capacity of all skimmers in a swimming pool shall not be less than the total recirculation rate.

(4) Each skimmer shall have a weir that adjusts automatically to variations in water level of at least 4 inches.

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(5) Each skimmer shall be equipped with a device to control flow through the skimmer.

(6) Each skimmer shall have an operational equalizer valve and pipe. The equalizer suction port in the swimming pool shall be covered with a fitting meeting the requirements of ANSI/ASME A112.19.8M-1987.

(7) A skimmer pool shall have an approved handhold around the perimeter of the pool. The handhold shall be 9 inches or less above the minimum skimmer operation level.

b. Perimeter overflow gutters.

(1) A perimeter overflow gutter system is required for a swimming pool greater than 30 ft in width, except for a wave pool or a wading pool.

(2) The overflow weir shall extend completely around the swimming pool, except at stairs, ramps, or water slide flumes.

(3) The gutter shall be designed to serve as a handhold and to prevent entrapment.

(4) Drop boxes, converters, return piping, or flumes used to convey water from the gutter shall be designed to convey 125 percent of the recirculation flow rate. Drainage shall be sufficient to prevent backflow of skimmed water into the swimming pool.

(5) Gutter overflow systems shall be designed with an effective surge capacity within the gutter system and surge tank of not less than 2 gal/ft² of swimming pool surface area. In-pool surge may be permitted for prefabricated gutter systems, subject to the approval of the department.

c. Alternative overflow systems. Overflow systems not meeting all of the requirements in 15.5(9)“a” or 15.5(9)“b” may be used if the designer can provide documentation that the alternative overflow system will skim the pool water surface at least as effectively as a skimmer system.

15.5(10) Main drain system.

a. Main drains. Each swimming pool shall have two or more main drains. The main drains shall be connected to the recirculation system.

(1) Main drains shall be at least 3 ft apart on center and shall be connected in parallel.

(2) Each main drain shall be designed for 100 percent of the recirculation flow rate.

b. Main drain covers. Each main drain shall be covered with a grate or other approved cover. The water velocity through the open area of the cover shall be no more than 1½ ft/sec. If an approved antivortex cover is used, the water velocity through the cover openings shall be no more than 6 ft/sec. The main drain cover shall be designed to be securely fastened to the pool so that it is not removable without tools.

c. Control valve. There shall be a control valve to adjust the flow between the main drain and the overflow system.

15.5(11) Disinfection.

a. Disinfection system capacity. A continuous feed disinfectant system shall be provided. The disinfectant feed system shall have the capacity to deliver at least 8 ppm chlorine or bromine based on the recirculation flow rate required in 15.5(5)“b” for an outdoor swimming pool and 3 ppm chlorine or bromine for an indoor swimming pool.

b. Feeder listing. A disinfectant feeder (except chlorine gas feed equipment) shall be listed by NSF International or by another listing agency approved by the department as complying with the requirements of Standard 50, “Circulation System Components for Swimming Pools, Spas, or Hot Tubs,” as published by NSF International, Ann Arbor, Michigan.

c. Chemical feed stop. The disinfectant system shall be installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

d. Gas chlorinators. Gas chlorinator facilities shall comply with applicable federal, state and local laws, rules and ordinances and the requirements below.

(1) The chlorine supply and gas feeding equipment shall be housed in a separate room or building.

1. No entrance or openable window to the chlorine room shall be to the inside of a building used other than for the storage of chlorine.

2. The chlorine room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out of doors in a direction to minimize the exposure of swimming pool patrons to chlorine gas. The exhaust system shall be capable of producing 15 air changes per hour in the chlorine room.

3. An automatic chlorine leak detector and alarm system shall be provided in the chlorine room. The alarm system shall provide visual and audible alarm signals outside the chlorine room.

4. An air intake shall be provided near the ceiling of the chlorine room. The air intake and the exhaust system outlet shall be at least 4 ft apart.

5. The room shall have a window at least 12 inches square. The window glass shall be shatterproof.

6. The door of the chlorine enclosure shall open outward. The inside of the door shall be provided with panic hardware.

7. The chlorine room shall have adequate lighting.

8. Electrical switches for the exhaust system and for the lighting shall be outside the chlorine room and adjacent to the door, or in an adjoining room.

9. An anchoring system shall be provided so that full and empty chlorine cylinders can be individually secured to prevent their falling over.

10. Scales shall be provided for weighing the cylinders that are in use.

(2) The chlorinator shall be designed to prevent the backflow of water into the chlorine cylinder.

e. Solution feed. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container shall have a capacity of at least one day’s supply at the rate specified in 15.5(11)“a,” except that when the system is designed to feed directly from a 55-gal shipping container, a larger solution container is not required.

f. Erosion disinfectant feeders. The storage capacity of an erosion feeder shall be at least one day’s supply of disinfectant at the rate specified in 15.5(11)“a.”

g. Test equipment. Test equipment complying with the following requirements shall be provided at each swimming pool facility.

(1) The test equipment shall provide for the direct measurement of free chlorine and combined chlorine, or total bromine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range.

(2) If a chlorine chemical is used for swimming pool water disinfection, the test equipment shall provide for the measurement of swimming pool water pH from 7.0 to 8.0 with at least five increments in that range. If a bromine chemical is used for swimming pool water disinfection, the test equipment shall provide for the measurement of pH from 7.0 to 8.5 with at least seven increments in that range.

(3) The test equipment shall provide for the measurement of total alkalinity and calcium hardness with increments of 10 ppm or less.

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(4) The test equipment shall provide for the measurement of cyanuric acid from 30 to 100 ppm. This requirement may be waived for a facility that does not use cyanuric acid or a stabilized chlorine disinfectant.

15.5(12) pH control.

a. pH chemical feed required. Each swimming pool shall have a metering pump for the addition of a pH control chemical to the pool recirculation system, or a carbon dioxide (CO₂) gas feed system.

b. Metering pump listing. A metering pump shall be listed by NSF International or by another listing agency approved by the department as meeting the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, Ann Arbor, Michigan.

c. CO₂ cylinder anchors. Where carbon dioxide (CO₂) is used as a method of pH control, an anchoring system shall be provided to individually secure full and empty CO₂ cylinders.

d. Chemical feed stop. The pH control system shall be installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

15.5(13) Safety.

a. Diving areas.

(1) Diving boards are permitted only if the diving area dimensions conform to the minimum requirements shown in Figure 2, Tables 3 and 4. Alternative diving well configurations may be used, subject to the approval of the department, but the boundaries of the diving well shall be outside the boundaries prescribed in these rules.

(2) Where diving boards are specified that have been advertised or promoted to be "competition" diving boards, the diving area shall comply with the standards of the National Collegiate Athletic Association (NCAA) or the National Federation of State High School Associations (NFSHSA).

FIGURE 2

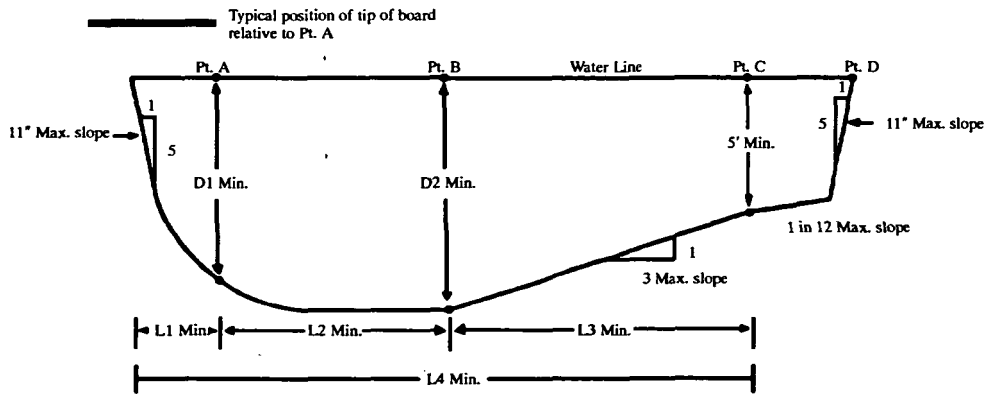


TABLE 3

DIVING BOARD HEIGHT ABOVE WATER	MAXIMUM BOARD LENGTH	MINIMUM DIMENSIONS					MINIMUM WIDTH OF POOL		
		D1	D2	L1	L2	L3	Pt A	Pt B	Pt C
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8 ft	10.5 ft	16 ft	18 ft	18 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft	18 ft	20 ft	20 ft
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft	20 ft	22 ft	22 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft	22 ft	24 ft	24 ft

TABLE 4

DIVING BOARD HEIGHT ABOVE WATER	TO POOL SIDE	TO 1-METER DIVING BOARD	TO 3-METER DIVING BOARD
Deck level to 1 meter	10 ft	8 ft	10 ft
Greater than 1 meter	11 ft	10 ft	10 ft

(3) There shall be a completely unobstructed clear distance of 13 ft above the diving board measured from the center of the front end of the board. This area shall extend at least 8 ft behind, 8 ft to each side, and 16 ft beyond the end of the diving board.

(4) Diving boards and platforms over 3 meters high are prohibited except where approved by the department.

(5) Diving boards and platforms shall have slip-resistant surfaces.

(6) Diving board supports, ladders, and guardrails.

1. Supports, platforms, and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads.

2. Ladders, steps, supports, handrails and guardrails shall be of corrosion-resistant materials or shall be provided with a corrosion-resistant coating. They shall be designed to have no exposed sharp edges. Ladder steps shall have slip-resistant surfaces.

3. Handrails shall be provided at steps and ladders leading to diving boards and diving platforms. Guardrails shall

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be provided for diving boards and platforms which are more than 1 meter above the water. Guardrails for diving boards and platforms shall be at least 36 inches high and shall have at least one horizontal midbar and shall extend to the edge of the water.

b. Stairs, ladders, and recessed steps.

(1) Ladders or recessed steps shall be provided in the deep portion of a swimming pool and in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2 ft. Stairs or ramps may be used instead of ladders or recessed steps at the shallow end of the swimming pool.

(2) If the swimming pool is more than 30 ft wide, stairs, ramps, ladders, or recessed steps shall be provided on both sides of the pool. If a stairway extends across 50 percent or more of the shallow end of the swimming pool, that end of the swimming pool shall be considered in compliance with this subrule.

(3) The foot contact surfaces of stairs, ramps, ladder rungs, and recessed steps shall be slip-resistant.

(4) Ladders.

1. Ladders shall have a handrail on each side which extends from below the water surface to the top surface of the deck.

2. Ladders, treads, or supports shall be of a color contrasting with the swimming pool walls; however, stainless steel ladders may be used with stainless steel wall pools.

3. A ladder shall have a tread width of at least 16 inches and a uniform rise of 12 inches or less.

(5) Recessed steps.

1. Recessed steps shall have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.

2. Recessed steps shall be provided with a handrail or with deck-level grab rails on each side.

3. Recessed steps shall drain to the pool.

(6) Stairs.

1. Stairs shall have a uniform tread depth of at least 12 inches and a uniform rise of no more than 10 inches. The area of each tread shall be at least 240 in².

2. Stairs shall be provided with at least one handrail for each 12 ft in width. Handrails shall be between 34 inches and 38 inches high, measured vertically from the line defined by the front edge of the steps.

(7) Handrails and grab rails.

1. Ladders, handrails, and grab rails shall be designed to be securely anchored so that tools are required for their removal.

2. Ladders, handrails, and grabrails shall be of corrosion-resistant materials or provided with corrosion-resistant coatings. They shall have no exposed sharp edges.

c. Floor slope. The bottom of the swimming pool shall slope toward the main drain(s). The slope of the swimming pool bottom where the water is less than 5 ft deep shall not exceed 1 ft vertical in 12 ft horizontal.

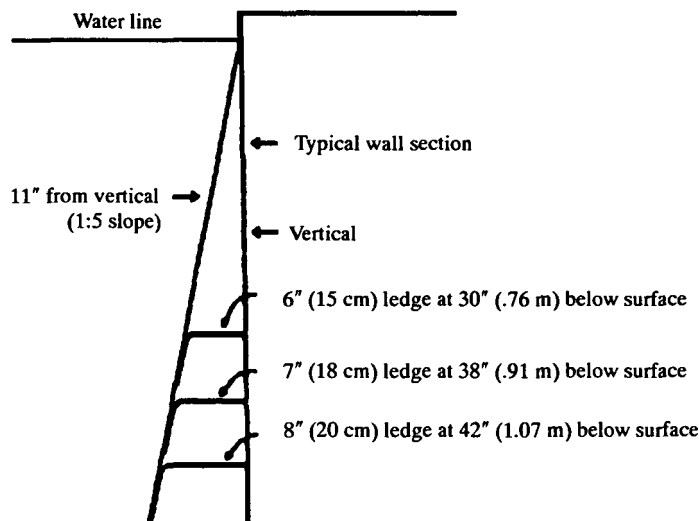
(1) Subject to the approval of the department, a swimming pool may be designed to have the change in slope (from 1:12 or less to a steeper slope) at a point where the water depth is less than 5 ft. The marking requirements of 15.5(13)"e"(3) and 15.5(13)"e"(4) shall apply and, if possible, depth markers which are clearly visible to persons in the pool shall be provided.

(2) For a wave pool, steeper slopes may be approved by the department if they are required for the proper function of the wave pool.

d. Walls.

(1) Walls in the deep section of a swimming pool shall be vertical to a water depth of at least 2.75 ft. If a transition radius is provided, it shall comply with Figure 2.

FIGURE 3



(2) The term "vertical" is interpreted to permit slopes not greater than 1 ft horizontal for each 5 ft of depth of side wall (11° from vertical).

(3) Ledges, when provided, shall fall within an 11° line from vertical, starting at the water surface (Figure 3). A ledge shall be no less than 4 inches wide and no more than 8 inches wide. A ledge shall have a slip-resistant surface.

e. Surface finish and markings.

(1) The swimming pool floor shall have a slip-resistant finish.

(2) The bottom and sides of the swimming pool shall be white or a light color. This does not prohibit painting or marking racing lines or turn targets.

(3) Where the slope of a swimming pool bottom in a shallow area changes from 1:12 or less to a slope greater than 1:12, or at the 5-ft depth line, the pool bottom and sides shall

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be marked with a stripe at least 4 inches wide in a color contrasting with the pool bottom and sides. Depending on the pool configuration, more than one stripe may be required.

(4) A float line with floats no more than 5 ft apart shall be installed over or within 12 inches of the shallow side of the stripe required in 15.5(13)"e"(3).

(5) The landing area for a swimming pool slide or a water slide which does not terminate in a separate plunge pool shall be delineated by a float line or as approved by the department.

(6) When stairs are provided for entry to a swimming pool, a stripe at least 1 inch wide of a color contrasting with the swimming pool floor shall be marked at the leading edge of each tread. The stripe shall be slip-resistant.

(7) Depth markers.

1. Depth markers shall be painted or otherwise marked on the deck within 3 ft of the edge of a swimming pool. The depth of a wave pool shall also be marked on the side walls of the wave pool above the maximum static water level where the static water depth is 3 ft or more, and on the deep end wall of the wave pool.

2. Depth markers shall be located 20 ft apart or less center to center around the full perimeter of a swimming pool and around the perimeter of a wave pool where the water depth is 3 ft or more.

EXCEPTIONS: Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool. Depth markers are not required on the deck of a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

3. The maximum depth of a swimming pool shall be marked on both sides of a swimming pool at the main drain.

4. The water depth of a swimming pool shall be marked at both ends of a float line required by 15.5(13)"e"(4).

5. In shallow water, the depth shall be marked at 1-ft depth intervals starting at one of the points specified in "3" and "4" above, if the 1-ft depth interval is less than 20 ft. The zero depth shall be used as the starting point for a zero-depth swimming pool.

6. In deep water, the words "Deep Water" may be used in place of numerals except as required in "3" above.

7. "No Diving" or equivalent wording or graphics shall be marked on the swimming pool deck within 3 ft of the edge of the swimming pool where the water is shallow and at other pool areas determined by management. The markers shall be 25 ft apart or less center to center around the perimeter of the area.

8. Letter, number and graphic markers shall be slip-resistant, of a contrasting color from the deck and at least 4 inches in height.

9. In lieu of the requirements of "1" through "8" above, the maximum depth of a wading pool may be posted in lettering a minimum of 3 inches high at each entrance to the wading pool area and at least at one conspicuous location inside the wading pool enclosure. "No Diving" markers are not required at a wading pool.

f. Lifeguard chairs. One elevated lifeguard chair or station shall be provided for a swimming pool with a water surface area of 2000 to 4000 ft² inclusive; two chairs shall be provided if the area is 4001 to 6000 ft²; three chairs shall be provided if the area is 6001 ft² or more. A swimming pool is not required to have more than three lifeguard chairs or stations. This requirement does not apply to wave pools or wading pools.

g. Emergency equipment and facilities.

(1) A minimum of one unit of lifesaving equipment shall be provided for each 1500 ft² of water surface area or fraction thereof. The area of a swimming pool where the water is 2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than 10 units of lifesaving equipment.

(2) A unit of lifesaving equipment consists of at least one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a ¼-inch diameter line with a length at least one-half the width of the pool, but no more than 60 ft; or

2. A life pole with a "shepherd's crook," having blunted ends with a minimum length of 8 ft; or

3. A rescue buoy which is made of a hard, buoyant plastic and is provided with molded hand grips along each side, a shoulder strap, and a towing rope between 4 and 6 ft long; or

4. A rescue tube made of a soft, strong foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the ring end shall be a 6-ft-long towline with a shoulder strap; or

5. Any other piece of rescue equipment approved by the department.

NOTE: RESCUE EQUIPMENT IDENTIFIED IN 15.5(13)"g"(2)"3" AND 15.5(13)"g"(2)"4" ABOVE SHALL BE USED ONLY AT SWIMMING POOLS WHERE LIFEGUARDS ARE EMPLOYED.

(3) Whenever lifeguard chairs are provided, each chair shall be equipped with at least one unit of lifesaving equipment.

(4) A standard spine board with straps and head immobilizer shall be provided at each swimming pool where lifeguards are required by rule.

h. Pool enclosures.

(1) An outdoor swimming pool shall be enclosed by a fence, wall, building, or combination thereof, at least 4 ft high and made of durable material.

(2) Fences, walls, or other means of enclosure shall have no openings, other than gateways and doorways, that would allow the passage of a 4-inch sphere and shall not be easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from the outside of the facility, or between the two lowest horizontal supports accessible from outside the facility, shall be at least 45 inches. Except where controlled entrance is provided, gates and doors shall be lockable, self-closing, and self-latching.

(3) Except as modified by 15.5(13)"h"(4), all facilities with indoor swimming pools which have secured entry shall be considered to have met the provisions of 15.5(13)"h"(2).

(4) For indoor swimming pools, if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas used by children which open directly into the swimming pool area, the swimming pool shall be enclosed by a barrier at least 3 ft high. No opening in the barrier, except for a gate or door, shall permit the passage of a 4-inch sphere. Gates or doors shall be provided and be lockable, self-closing, and self-latching.

i. Electrical. Construction or reconstruction shall meet the requirements in Section 680 of the National Electrical Code, 70-96, as published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

j. Lighting. Artificial lighting shall be provided at indoor swimming pools and at outdoor swimming pools which are to be used after sunset in accordance with the following:

(1) Underwater lighting of at least 60 lamp lumens/ft² or 0.5 watts/ft² of water surface area, located to provide illumi-

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nation of the entire swimming pool bottom, and area lighting of at least 10 lumens/ft² or 0.6 watts/ft² of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 lumens/ft² or 2.0 watts/ft² of swimming pool water surface area shall be provided.

k. Swimming pool slides. Swimming pool slides shall meet the requirements of the January 1, 1986, product standard of the United States Consumer Product Safety Commission (CFR Title 16, Part 1207). Swimming pool slides shall be installed in accordance with the manufacturer's recommendations.

15.5(14) Wading pools. Wading pools shall comply with the applicable provisions of 15.5(1) to 15.5(13), except as modified below.

a. Wading pool near a swimming pool. When a wading pool is constructed within 50 ft of a Class A or Class B swimming pool, wave pool, or plunge pool:

(1) The area of the swimming pool, wave pool, or plunge pool nearest the wading pool shall be a shallow water area.

(2) The wading pool shall be separated from the adjacent pool by a barrier or fence at least 36 inches high which meets the requirements of 15.5(13)"h." At least one 36-inch-wide gate or opening shall be provided between the wading pool and the other pool.

b. Decks. A wading pool shall have at least 4 ft of deck.

c. Overflow system.

(1) Intermittent fixed weir overflow structures, including gutters, overflow fixtures, and drains at zero depth may be used. They shall have a hydraulic capacity of at least 125 percent of the recirculation flow rate. The designer shall be responsible for demonstrating that the overflow system will provide adequate skimming.

(2) If skimmers are used, there shall be at least one skimmer for every 500 ft² of water surface area or fraction thereof.

1. The recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or as required in 15.5(5)"b," whichever is greater.

2. The skimmer(s) suction line may be connected to the main drain line in lieu of an equalizer pipe.

3. A skimmer(s) may be used in combination with overflow drains in a zero-depth wading pool.

d. Main drains. Each wading pool shall have at least two main drains. If the main drains are directly connected to the suction of a pump, the drains shall have antivortex covers or each drain shall be at least 324 in².

e. Inlet system. Inlets shall be designed to distribute the treated water so as to eliminate dead spots and to move debris to the outlets. Wall and floor inlets or other means may be used, alone or in combination. The designer shall be responsible for demonstrating that the inlet system will provide adequate distribution of the treated water.

15.5(15) Wave pools. Wave pools shall comply with the applicable provisions of 15.5(1) to 15.5(13), except as modified below.

a. Overflow not required. Perimeter overflow gutters and skimmers are not required on the deep end wall where the wave generation equipment is located.

b. Overflow drain at zero depth. There shall be an overflow drain or weir across the full width of the zero-depth end of the wave pool. Full width is interpreted to allow construction joints at each end of the drain. The combined length of the joints shall be no more than 10 percent of the width of the end of the pool.

The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is se-

curely fastened to the pool floor and cannot be removed without a tool or tools.

c. Deck above zero depth. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

d. Overflow gutters or fittings. There shall be a perimeter overflow gutter or overflow fittings along both sides of the wave pool where the water is 3 ft deep or more.

(1) If a perimeter overflow gutter is used, it shall be designed to prevent entrapment during wave action. Overflow grates shall be securely fastened so they will not be dislodged by wave action.

(2) Overflow fittings need not be continuous, but they shall be spaced no more than 10 ft apart.

e. Overflow capacity. The combined hydraulic capacity of the overflow drain at zero depth and the gutter or overflow outlets shall be at least 125 percent of the recirculation flow rate.

f. Main drains. A main drain system shall be provided which complies with the requirements of 15.5(10).

g. Wave generator openings. Openings or connections between the wave pool and the wave generation equipment shall be designed to prevent entrapment of swimmers.

h. Side barrier. There shall be a continuous barrier along the full length of each side of a wave pool. The barrier shall be at least 42 inches high and installed no more than 3 ft from the sides of the wave pool.

i. Emergency switches. Emergency switches which will stop the wave action shall be provided in at least four locations on the deck of the wave pool. Switch locations shall be marked by signs or contrasting bright colors.

j. Float line. A wave pool shall be equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep end wall. Users shall not be permitted between the float line and the deep end wall.

15.5(16) Zero-depth swimming pools. Zero-depth swimming pools shall comply with the applicable provisions of 15.5(1) to 15.5(13), except as modified below.

a. Overflow drain at zero depth. There shall be an overflow drain or weir across the full width of the zero-depth end of the swimming pool. Full width is interpreted to allow construction joints at each end of the drain. The combined length of the joints shall be no more than 10 percent of the width of the end of the pool.

(1) The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is not removable without a tool.

(2) The drain and its associated piping shall be designed to convey at least 50 percent of the recirculation flow rate.

b. Deck above zero depth. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

c. Perimeter overflow gutter. A perimeter overflow gutter shall be provided. The gutter may be interrupted in the area where the water is less than 2 ft deep provided that:

(1) The length of the perimeter overflow gutter and overflow drain shall be at least 60 percent of the total pool perimeter.

(2) The hydraulic capacity of the perimeter overflow gutter system combined with the overflow drain shall be at least 125 percent of the recirculation flow rate.

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15.5(17) Water slides. Water slides shall comply with the applicable provisions of 15.5(1) to 15.5(13) and the following:

a. Flume construction. A water slide flume shall comply with the following:

(1) The flume shall be perpendicular to the plunge or swimming pool wall for at least 10 ft from the flume end.

(2) The flume shall be sloped no more than 1 ft vertical in 10 ft horizontal for at least 10 ft before the end of the flume.

(3) The flume shall terminate between 6 inches below and 2 inches above the design water level in the plunge pool or swimming pool.

(4) There shall be at least 5 ft between the side of the plunge pool or swimming pool and the side of the flume. Adjacent flumes shall be at least 10 ft apart on center.

(5) The inside surface of a flume shall be smooth and continuous.

(6) The flume shall be designed so that users cannot be thrown out of the flume and to minimize user collisions with the sides of the flume.

(7) The flume shall have no sharp edges within reach of a user while the user is in the proper riding position.

(8) The flume path shall be designed to prevent users from becoming airborne while on the ride.

b. Water slide landing areas. The landing area for a water slide flume shall comply with the following:

(1) The water depth shall be at least 3 ft and no more than 4 ft at the end of the flume and for at least 15 ft beyond the end of the flume.

(2) The landing area floor may slope up to a minimum of 2 ft water depth subject to (1) above. The slope shall be no greater than 1 ft vertical in 12 ft horizontal.

(3) There shall be at least 20 ft between the end of the flume and any barrier or steps.

(4) If the water slide flume ends in a swimming pool, the landing area shall be divided from the rest of the swimming pool by a float line or as approved by the department.

c. Speed slides. A speed slide shall provide for the safe deceleration of the user. A run-out system or a special plunge pool entry system shall control the body position of the user relative to the slide to provide for a safe exit from the ride.

d. Decks. The deck around a water slide plunge pool shall be at least 4 ft wide, except on the side where the flume enters the pool. A walkway which is at least 4 ft wide and meets the requirements of a deck shall be provided between the plunge pool and the slide steps.

e. Alternate overflow systems. Intermittent fixed weir overflow structures may be used for a separate plunge pool if:

(1) The plunge pool is no more than 30 ft wide.

(2) Floor inlets are provided according to the requirements of 15.5(8)"c."

(3) The hydraulic capacity of the combined overflow structures and the appurtenant piping is at least 125 percent of the recirculation flow rate. The department may require more hydraulic capacity based on the specific design of the plunge pool systems.

f. Pump reservoir. If a pump reservoir or surge tank is provided, it shall have a capacity of at least one minute of the combined recirculation and flume flow. Openings between the plunge pool and the pump reservoir or surge tank shall be designed and constructed to prevent entrapment of users.

g. Swimming pool water level. If the water slide flume ends in a swimming pool, the water level shall not be lowered more than 1 inch when the flume pump(s) is operating.

h. Flume pump intakes. If the flume pump intake is in a plunge pool or in a swimming pool, it shall be located away from normal water slide user traffic areas. To prevent suction entrapment, a flume pump intake shall be designed by one of the following methods:

(1) Multiple intakes may be used. Intakes shall be at least 3 ft apart. The intakes shall be covered with grates or other protective covers approved by the department. Water velocity through the intake covers shall not exceed 1½ ft/sec.

(2) The intake shall have an area of at least 324 in². The intake shall be covered by a grate or other protective cover approved by the department. Water velocity through the intake cover shall not exceed 1½ ft/sec.

i. Intake covers. An intake cover shall be designed to prevent user entrapment. It shall be securely fastened to the pool or to the intake pipe so it cannot be removed without tools.

j. Water slide support structure. The support structure for a water slide and for any access stairs or ramps shall be designed and constructed to withstand the anticipated structural loading, both static and dynamic, including wind forces.

k. Stairs. A stairway providing access to the top of a water slide shall be at least 2 ft wide. Stair surfaces shall be slip-resistant and easily cleanable. The stairway shall comply with the applicable requirements of state and local building codes and Occupational Safety and Health Administration requirements.

l. Alternate water slide designs. Water slides differing substantially from the standards in this subrule may be approved, if the designer provides sufficient information to demonstrate to the department that the slide and its landing area can be operated safely.

15.5(18) Multisection water recreation pools. A multisection water recreation pool shall comply with the applicable provisions of 15.5(1) to 15.5(13) and the following:

a. Recirculation flow rate. The minimum recirculation flow rate for a multisection water recreation pool shall be determined by computing the recirculation flow rate for each section of the pool in accordance with 15.5(5)"b" and adding the flow rates together.

b. Water distribution. The treated water distribution system shall be designed to return treated water to the sections of the pool in proportion to the flow rates determined in "a" above.

c. Float lines. Each section of a multisection water recreation pool shall be separated from the other sections by a float line meeting the requirements of 15.5(13)"e"(4).

15.5(19) Showers, dressing rooms, and sanitary facilities.

a. Facilities required. Bather preparation facilities shall be provided at each swimming pool facility except where the swimming pool facility is intended to serve living units such as a hotel, motel, apartment complex, condominium association, dormitory, subdivision, mobile home park, or resident institution.

b. Swimming pool patron load. If a bathhouse is provided, the patron load for determining the minimum sanitary fixtures (Table 5) is:

(1) One individual per 15 ft² of water surface in shallow areas.

(2) One individual per 20 ft² of water surface in deep areas with the exclusion of 300 ft² of water surface for each diving board.

(3) For each swimming pool slide, 200 ft² shall be excluded, and for each water slide which terminates in the

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swimming pool, 300 ft² shall be excluded in determining the patron load.

c. Bathhouses.

(1) Bathhouses shall be designed and constructed to meet the requirements of the Iowa state building code, 661—Chapter 16, Iowa Administrative Code.

(2) Bathhouse floors shall have a slip-resistant finish and shall slope at least 1/8 inch/ft to drain. Except as provided in 15.5(19)“c”(3), floor coverings shall comply with the requirements of 15.5(4)“c.”

(3) Olefin, or other approved carpeting, may be permitted in locker room or dressing room areas provided:

1. There is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other areas where water can accumulate.

2. Drip areas shall be constructed of materials as described in 15.5(4)“b” and 15.5(4)“c.”

(4) Bathhouse fixtures shall be provided in accordance with Table 5.

TABLE 5
FIXTURES REQUIRED

Patron Load	Male				Female		
	Showers	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories
1 - 100	1	1	1	1	1	1	1
101 - 200	2	1	2	1	2	3	1
201 - 300	3	1	3	1	3	4	1
301 - 400	4	2	3	2	4	5	2
401 - 500	5	3	3	2	5	6	2
501 - 1000	6	3	4	2	6	7	2

(5) All indoor swimming pool areas, bathhouses, dressing rooms, shower rooms, and toilets shall be ventilated by natural or mechanical means to control condensation and odors.

d. Showers and lavatories.

(1) Showers shall be supplied with water at a temperature of at least 90°F and no more than 110°F and at a rate of no more than 3 gpm per shower head.

(2) Soap dispensers or bar soap trays shall be provided at each lavatory and in the showers.

(3) Glass soap dispensers are prohibited.

e. Hose bibs. Hose bibs equipped with vacuum breaker backflow preventers shall be provided within the bathhouse.

f. Storage-type hot water heaters.

(1) Gas-fired storage-type hot water heaters shall comply with the requirements of ANSI Z21.10.1-1993, 10.1a-1994, 10.1b-1994, and 10.1c-1996, or with the requirements of ANSI Z21.10.3-1993, 10.3a-1994, and 10.3b-1994. The heater shall bear the mark of the American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia.

(2) Electric storage-type hot water heaters shall comply with the requirements of ANSI/UL 174-1996. The heater shall bear the mark of Underwriters Laboratory, Chicago, Illinois.

(3) Combustion air shall be provided for fuel-burning water heaters as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or by local ordinance.

(4) Fuel-burning water heaters shall be vented as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or by local ordinance.

641—15.6(135I) Enforcement.

15.6(1) A city, county or district board of health may inspect swimming pools and spas regulated by these rules and enforce these rules according to contracts which are reached pursuant to the authority of Iowa Code chapters 28E and 135I.

15.6(2) The department or contracting board of health shall take the following steps when enforcement of these rules is necessary.

a. Owner notification. As soon as possible after the violations are noted, provide written notification to the owner of the noncompliant facility which:

(1) Cites each section of the Iowa Code or Iowa Administrative Code rules violated.

(2) Specifies the manner in which the owner or operator failed to comply.

(3) Specifies the steps required for correcting the violation.

(4) Requests a corrective action plan, including a time schedule for completion of the plan.

(5) Sets a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the owner of the facility must respond.

b. Corrective action plan review. The department or contracting board of health shall review the corrective action plan and approve it or require that it be modified.

c. Failure to comply. In cases where the owner of a swimming pool or spa fails to comply with conditions of the written notice, the department or contracting board of health shall send a regulatory letter, via certified mail, advising the owner that, unless action is taken within five days of receipt, the case shall be turned over to the city/county attorney for court action.

d. Court action. In cases where voluntary action by the swimming pool or spa owner is not forthcoming and court action is the only available avenue, such action shall be taken in accordance with Iowa Code chapter 135I.

641—15.7(135I) Variances. A variance to these rules may be granted only by the department. A variance can be granted only if sufficient information is provided to substantiate the need for and propriety of the action.

15.7(1) Requests for variances shall be in writing and shall be sent to the contracting board of health for comment. The board of health shall send the request for variance to the department within 15 business days of its receipt.

15.7(2) The grant or denial of a variance will take into consideration, but not be limited to, the following criteria:

a. Substantially equal protection of health and safety shall be provided by a means other than that prescribed in the particular rule, or

b. The degree of violation of the rule is sufficiently small so as not to pose a significant risk of injury to any individual, and the remedies necessary to alleviate this minor violation would incur substantial and unreasonable expense on the part of the person seeking a variance.

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15.7(3) Decisions shall be issued in writing by the department and shall include the reasons for denial or grant of the variance. Copies of decisions shall be kept at the department, and a copy shall be sent to the contracting board of health.

641—15.8(135I) Penalties. A person violating a provision of this chapter shall be guilty of a simple misdemeanor pursuant to the authority of Iowa Code section 135I.5. Each day upon which a violation occurs constitutes a separate violation.

641—15.9(135I) Registration.

15.9(1) Swimming pool and spa registration. No swimming pool or spa shall be operated in the state without being registered with the department. Each swimming pool and spa shall be registered annually by its owner on or before May 1 for the period May 1 through April 30 on a form provided by the department.

15.9(2) Change in ownership. Within 30 days of the change in ownership of a swimming pool or spa, the new owner shall furnish the department with the following information:

- a. Name and registration number of swimming pool or spa.
- b. Name, address, and telephone number of new owner.
- c. Date the change in ownership took place.

641—15.10(135I) Training courses.

15.10(1) A training course designed to fulfill the requirements of 15.11(135I) shall be reviewed by the department.

15.10(2) At least 15 days prior to the course date, the course director shall submit at a minimum the following to the department:

- a. A course outline with a list of instructors and guest speakers and their qualifications.
- b. Date or dates the course is to be held.
- c. Place the course is to be held.
- d. Number of hours of instruction.
- e. Course agenda.

15.10(3) The department shall approve or disapprove the course of instruction in writing within 10 business days of receipt of the information required in 15.10(2).

15.10(4) At the conclusion of the course of instruction, the course director shall furnish the department with the name and address of each person who successfully completed the course.

641—15.11(135I) Swimming pool/spa operator qualifications.

15.11(1) A person designated as a certified operator of a facility for compliance with 15.4(6)"a" and 15.51(5)"a" shall have successfully completed a CPO certification course, an AFO certification course, or another course of instruction approved by the department. A copy of a current, valid CPO or AFO certificate for the certified operator shall be maintained in the pool records.

15.11(2) Certified operators who renew their certificates as AFOs or CPOs after December 31, 1998, shall have obtained an average of at least two hours of continuing education per year since the original certification or since the last renewal of the certificate. Proof of continuing education shall be kept with certification records at the swimming pool facility.

641—15.12(135I) Fees.

15.12(1) Registration fees. For each swimming pool or spa, the registration fee is \$30. Registration fees are delinquent if not received by the department by May 2 or the first business day thereafter. The owner shall pay a \$25 penalty for each month or fraction thereof that the fee is late for each swimming pool or spa that is required to be registered.

15.12(2) Inspection fees. The department or contracting board of health shall bill the owner of a swimming pool or spa facility upon completion of an inspection. Inspection fees are due upon receipt of a notice of payment due.

When the swimming pool is located within the jurisdiction of a board of health which has a 28E agreement with the department to do inspections and enforce this chapter, the board of health may establish fees needed to defray the costs of inspection and enforcement under this chapter. Inspection fees billed by a contracted board of health shall be paid to the contracted board of health or its designee.

- a. Inspection fee schedule.

Table 6
Swimming Pools and Spas

Pool Type	Inspection Fee
Swimming pool, surface area less than 1500 ft ²	\$170
Swimming pool, surface area 1500 ft ² or greater	\$270
Wave pool	\$270
Spa	\$170
Wading pool	\$45

Table 7
Water Slides

	Inspection Fee
Water slide and plunge pool	\$270
Each additional water slide into a plunge pool	\$75
Water slide into a swimming pool	\$175
Each additional water slide into a swimming pool	\$75

b. Multipool facilities. If more than one pool (swimming pool, water slide, wave pool, wading pool, or spa) is located within a fenced compound or a building, the inspection fee for the pools in the fenced compound or building shall be reduced by 10 percent.

c. Special inspection fee. When the department or contracting board of health determines that a special inspection is required, i.e., nonroutine follow-up inspection or inspections generated by complaints, the department or contracting board of health may charge a special inspection fee which shall be based on the actual cost of providing the inspection.

d. Penalty. Unpaid inspection fees will be considered delinquent 45 days after the date of the bill. A penalty of \$25 per month or fraction thereof that the payment is delinquent will be assessed to the owner for each pool inspected.

15.12(3) Plan review fees.

a. New construction. A plan review fee as specified in Tables 8, 9 and 10 shall be submitted with a construction permit application for each body of water in a proposed facility. If two or more pools share a common recirculation system as specified in 15.5(5)"a," the plan review fee shall be 25 percent less than the total plan review fee required by Tables 8, 9 and 10.

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Table 8
Swimming Pools, Wading Pools and Wave Pools

Swimming Pool Area (ft ²)	Plan Review Fee
less than 500	\$150
500 to 999	\$250
1000 to 1999	\$350
2000 to 3999	\$500*
4000 and greater	\$750*

*This may include one water slide.

Table 9
Water Slides

Water slide and dedicated plunge pool	\$500
Each additional water slide into a plunge pool or swimming pool	\$150

Table 10
Spas

Spa Volume (gal)	Plan Review Fee
less than 500	\$150
500 to 999	\$250
1000 +	\$350

b. Reconstruction. The plan review fee for reconstruction is \$200 for each swimming pool, spa or bathhouse altered in the reconstruction.

c. Penalty for construction without a permit. Whenever any work for which a permit is required has been started without first obtaining a permit, the plan review fee shall be 150 percent of the fee specified in 15.12(3)"a" or "b." The department may require that construction not done in accordance with the rules be corrected before a facility is used.

EXCEPTION: After receiving a construction permit application, the department may authorize preliminary construction on a project to start before issuance of a permit. The authorization shall be in writing to the owner or the owner's authorized representative.

15.12(4) Training fees. The course sponsor for a training course designed to fulfill the requirements of 641—15.11(135I) shall pay to the department a fee of \$20 for each person who successfully completes the course. The fee is due within 30 business days of the completion of the course.

641—15.13(135I) 28E agreements. A city, county or district board of health may apply to the department for authority to inspect swimming pools and spas and enforce these rules.

15.13(1) Application and review process. Applications are to be made to the Iowa Department of Public Health, Swimming Pool Program, Lucas State Office Building, Des Moines, Iowa 50319.

15.13(2) Each application shall include, at a minimum:

a. A commitment that inspectors will meet the educational requirements of 641—15.11(135I). A person who is a registered sanitarian (R.S.) or a registered environmental health specialist (R.E.H.S.) with the National Environmental Health Association shall be considered to have met the educational requirements of subrule 15.11(2).

b. A statement of the ability of the board of health to provide inspections of all swimming pools and spas within the contracted area.

c. A statement of the ability of the board of health to follow enforcement procedures contained in subrule 15.6(2).

15.13(3) If the department approves the application, the 28E agreement shall be perpetual, subject to the conditions set forth by both parties.

641—15.14(135I) Application denial or partial denial—appeal.

15.14(1) Denial or partial denial of an application shall be done in accordance with the requirements of Iowa Code section 17A.12. Notice to the applicant of denial or partial denial shall be served by restricted certified mail, return receipt requested, or by personal service.

15.14(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party, in writing, to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is Iowa Department of Public Health, Swimming Pool Program, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial shall become the department's final agency action.

15.14(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals, pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

641—15.15 to 15.50 Reserved.

SPAS

641—15.51(135I) Spa operations. A spa shall be operated in a safe, sanitary manner and shall meet the following operational standards.

15.51(1) Filtration and recirculation.

a. Filters. A spa shall have a filtration system in good working condition which provides water clarity in compliance with the water quality standards of subrule 15.51(2).

b. Cartridge filters. Cartridge filters shall be changed or cleaned and disinfected when the pressure differential between the influent and effluent of the filter reaches 6 psi or the manufacturer's recommended pressure differential for cleaning. If no means of measuring the pressure differential is provided, the filters shall be changed or cleaned and disinfected at least once per day.

c. The recirculation system for a spa shall treat one spa volume of water in 30 minutes or less.

d. Continuous operation required. Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the spa water recirculation system shall be kept in continuous operation 24 hours per day whenever the spa contains water, except for cleaning or servicing.

e. Inlets. The recirculation system shall have inlets adequate in design, number, location, and spacing to ensure effective distribution of treated water and maintenance of uniform disinfectant residual throughout the spa.

f. Skimmers. A spa shall have at least one skimmer.

(1) Each skimmer shall have a self-adjusting weir in place and operational.

(2) Each skimmer shall be followed by an easily removable basket or screen upstream from any valve.

g. Wastewater. Wastewater and backwash water from a spa shall be discharged through an air break.

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h. Water supply. The water supplied to a spa shall be from a water supply meeting the requirements of the department of natural resources for potable water.

(1) Water supplied to a spa shall be discharged to the spa system through an air gap or a reduced-pressure principle backflow device meeting the American Water Works Association standard, C-511-92, entitled "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Vacuum breaker backflow preventers shall be provided on all hose bibs serving a spa.

i. Spa water heaters.

(1) Electric water heaters shall bear the seal of UL, Underwriters Laboratory, Chicago, Illinois.

(2) Gas-fired water heaters shall be equipped with a pressure relief valve.

(3) Fuel-burning water heaters shall be vented to the outside, in accordance with the Iowa state plumbing code.

15.51(2) Water quality and testing.

a. Disinfection.

(1) Spa water shall have a free chlorine residual of at least 2.0 ppm or a total bromine residual of at least 4.0 ppm when the spa is open for use. Where a controller with an ORP readout is installed or where ORP measuring equipment is available, the ORP measurement may be used instead of the residual measurement. The spa water shall have an ORP of at least 700 mV.

(2) If the result of any test of the spa water taken in accordance with 15.51(2)"e"(1) is less than 1.5 ppm free chlorine or 3.0 ppm total bromine, the spa shall be closed until the free chlorine residual is at least 2.0 ppm or the total bromine residual is at least 4.0 ppm.

A spa shall be closed regardless of residual measurement if the ORP is less than 650 mV as measured by a controller or by ORP measuring equipment. The spa shall remain closed until the ORP is at least 700 mV.

(3) A spa shall be closed if the free chlorine residual exceeds 8.0 ppm or the total bromine residual exceeds 18.0 ppm. Where ORP measurements are used, the spa shall be closed if the ORP of the water exceeds 880 mV.

(4) The cyanuric acid concentration in spa water shall be 40 ppm or less. If the cyanuric acid concentration exceeds 60 ppm, the spa shall be closed until the cyanuric acid concentration in the spa water is 40 ppm or less.

b. pH level. The pH of spa water shall be 7.2 to 7.8 if a chlorine chemical is used for disinfection. The pH of spa water shall be 7.2 to 8.4 if a bromine chemical is used for disinfection.

c. Water clarity. A spa shall be closed if the grate openings on drain fittings at or near the bottom of the spa are not clearly visible when the agitation system is off.

d. Bacteria detection. If coliform or *Pseudomonas aeruginosa* bacteria are detected in a sample taken in accordance with 15.51(2)"e"(8), the spa shall be closed, drained, and cleaned. The spa may reopen when no coliform or *Pseudomonas aeruginosa* bacteria are detected in a spa water sample taken when the spa water meets the requirements of paragraphs "a," "b," and "c" above.

e. Test frequency. The results of the tests required below shall be recorded in the spa records.

(1) The disinfectant residual in the spa water shall be tested each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building or a homeowners association with 25 or fewer living units, the disinfectant level of the spa water shall be tested at least twice each day the spa is available for use.

If the spa is equipped with an automatic controller with a readout or local printout of disinfectant residual or ORP complying with the requirements of 15.51(2)"f"(4), the operator may make visual readings. The spa water shall be tested manually at least twice per day. The operator shall specify in the spa records which results are from the manual test.

(2) The pH of the swimming pool water shall be tested each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building or a homeowners association with 25 or fewer living units, the pH of the spa water shall be tested at least twice each day the spa is available for use.

If the spa is equipped with an automatic controller with a readout or local print out of pH complying with the requirements of 15.51(2)"f"(4), the operator may make visual readings. The spa water shall be tested manually at least twice per day. The operator shall specify in the spa records which results are from the manual tests.

(3) The spa water temperature shall be measured whenever a manual test of the spa water is performed.

(4) If a chlorine compound is used for disinfection, the spa water shall be tested for combined chlorine at least once a day.

(5) If a stabilized chlorine is used in a spa, the spa water shall be tested for cyanuric acid at least once a day.

(6) The spa water shall be tested for total alkalinity each time the spa is refilled and at least once in each week the spa is open for use.

(7) The spa water shall be tested for calcium hardness each time the spa is refilled.

(8) At least once in each week that a spa is open for use, a sample of the spa water shall be submitted to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water. The sample shall be analyzed for total coliform and fecal coliform, or *E. coli*, and *Pseudomonas aeruginosa*.

f. Test equipment.

(1) Each spa facility shall have functional water testing equipment for free chlorine and combined chlorine, or total bromine; pH; total alkalinity; calcium hardness; and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility).

(2) The test equipment shall provide for the direct measurement of free chlorine and combined chlorine, or total bromine from 0 to 20 ppm in increments of 0.2 ppm or less over the full range.

(3) If a chlorine chemical is used for spa water disinfection, the test equipment shall provide for the measurement of spa water pH from 7.0 to 8.0 with at least five increments in that range. If a bromine chemical is used for spa water disinfection, the test equipment shall provide for the measurement of pH from 7.0 to 8.5 with at least seven increments in that range.

(4) A controller readout used in lieu of manual testing shall be a numeric analog or digital display (indicator lights are not acceptable) with the following characteristics:

1. The chlorine or bromine residual scale shall be at least from 0 to 10 ppm with increments of 0.2 ppm or less. The residual readout shall be internally and automatically adjusted for pH.

2. An ORP scale shall have a range of 600 to 900 mV with increments of 20 mV or less.

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3. The pH scale shall have at least the same range as required in 15.4(3)“f”(3) with increments of 0.2 or less over the full range.

g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a spa is open for use.

15.51(3) Disinfection systems and cleaning.

a. Disinfectant system.

(1) Equipment for continuous feed of a chlorine or bromine compound to the spa water shall be provided and shall be operational. The equipment shall be adjustable in at least five increments over its feed capacity.

(2) The disinfectant equipment shall be capable of providing at least 10 ppm of chlorine or bromine to the spa water based on the recirculation flow rate.

(3) Equipment and piping used to apply any chemicals to the water shall be of such size, design, and material that they may be cleaned. All material used for such equipment and piping shall be resistant to action of chemicals to be used.

(4) The use of chlorine gas is prohibited.

b. Cleaning and superchlorination.

(1) A spa shall be clean.

(2) A spa containing 500 gal of water or less shall be drained and refilled a minimum of once a week. A spa containing over 500 gal of water shall be drained and refilled a minimum of one time every two weeks.

(3) The inspection agency (the department or a contracting board of health) may require that a spa be drained, scrubbed, and superchlorinated prior to further usage.

15.51(4) Safety.

a. Chemical safety.

(1) No chemicals shall be added to a spa over the top when the spa is occupied. If chemicals are added to the spa over the top, the spa shall not be occupied for a period of at least 30 minutes thereafter. The operator shall test the spa water as appropriate before allowing use of the spa. The chemical addition and the test results shall be recorded in the spa records.

(2) Spa chemicals shall be stored and handled in accordance with the manufacturer's recommendations.

(3) Material safety data sheets (MSDS) for the chemicals used in the spa shall be at the facility in a location known and readily accessible to the facility staff.

(4) Chemical containers shall be clearly labeled.

(5) A warning sign shall be placed on the door of a room where chemicals are used or stored or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps.

(1) When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp shall be provided to the top of the spa.

(2) Stairs, ladders, ladder rungs, and ramps shall be slip-resistant.

(3) Where stairs and ramps are provided, they shall be equipped with a handrail.

(4) Ladders and handrails shall be constructed of corrosion-resistant materials or provided with corrosion-resistant coatings. They shall have no exposed sharp edges.

c. Water temperature. Water temperature in the spa shall not exceed 104°F.

(1) A thermometer shall be available to measure temperature in the range of 80°F to 120°F.

(2) Water temperature controls shall be accessible only to the spa operator.

d. Emergency telephone. A designated emergency telephone, capable of being operated without coins, shall be

available to the users of a spa. If the emergency telephone is not located within the spa enclosure, management shall post a sign(s) indicating the location of the emergency telephone.

e. Water level. Water level shall be maintained at the skimming level.

f. Main drains. To provide protection to bathers against suction entrapment, one or more of the following arrangements shall be provided:

(1) Multiple drains, or a single drain with an area of at least 144 in²; or

(2) An antivortex main drain cover or other approved protective cover.

g. Main drain covers. Each drain shall be covered with a grate or other approved cover which is designed to prevent bather entrapment. The drain cover shall be securely fastened to the spa so it is not removable without tools.

h. Spa walls and floor shall be smooth and easily cleanable.

i. Decks.

(1) The deck shall have a slip-resistant surface.

(2) The deck shall be clean and free of debris.

(3) A hose bib shall be provided for flushing or cleaning of the deck.

j. There shall be no underwater or overhead projections or obstructions which would endanger user safety or interfere with proper spa operation.

k. Electrical.

(1) Electrical outlets on the deck and in the recirculation equipment room and shower room areas shall be protected by properly installed ground fault circuit interrupter receptacles or breakers. Ground fault circuit interrupter receptacles and breakers shall be tested at least once in each month the spa is operating. Test dates and results shall be recorded in the spa records.

(2) There shall be no outlets located on, or within 5 ft of, the inside wall of a spa.

(3) An air switch within reach of persons in the spa and its connecting tube shall be constructed of materials that do not conduct electricity.

(4) Lighting.

1. Artificial lighting shall be provided at all spas which are to be used at night or which do not have adequate natural lighting so all portions of the spa, including the bottom and main drain, may be readily seen.

2. Underwater lights and fixtures shall be designed for their intended use. When the branch circuit supplying the fixture is operating at more than 15 volts, the circuit shall be protected by a ground fault circuit interrupter. When underwater lights need to be repaired, the electricity shall be shut off until repairs are completed.

3. No electrical wiring shall pass over an outdoor spa.

l. Fencing.

(1) A spa shall be enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The spa enclosure shall be constructed of durable materials. Except for gates and door openings, the enclosure shall have no opening that would permit the passage of a 4-inch sphere. Except where controlled entrance to the spa is provided, gates or doors into the spa area shall be self-closing and self-latching. A spa may be in the same room or enclosure as another spa or a swimming pool.

(2) Facilities with indoor spas which have secured entry to the facility shall be considered to have met the provisions of 15.51(4)“l”(1).

(3) For indoor spas, if there are sleeping rooms, apartments, condominiums, or permanent recreation areas used

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by children which open directly into the spa area, the spa shall be enclosed by a barrier at least 3 ft high. No opening in the barrier, except for a gate or door, shall permit the passage of a 4-inch sphere. Gates or doors provided shall be lockable, self-closing and self-latching.

15.51(5) Management, notification, and records.

a. Certified operator required. Each spa facility shall employ a certified operator. One certified operator may be responsible for a maximum of three swimming pool/spa facilities.

b. Spa rules sign. A "Spa Rules" sign shall be posted near the spa. The sign shall include:

(1) Persons with a medical condition, including pregnancy, should not use the spa without first consulting with a physician.

(2) Anyone having a contagious disease shall not use the spa.

(3) Persons shall not use the spa immediately following exercise or while under the influence of alcohol, narcotics, or other drugs.

(4) Persons shall not use the spa alone or without supervision.

(5) Children shall be accompanied by an adult.

(6) Persons shall not use the spa longer than ten minutes.

(7) No one shall dive or jump into the spa.

(8) The maximum patron load of the spa. (The maximum patron load of a spa is one individual per two lineal feet of inner edge of seat or bench.)

c. Spa depth. The maximum depth of a spa shall be posted at a conspicuous location near the spa in numerals or letters at least three inches high.

d. Glass prohibited. Glass objects other than eyeglasses, safety glass doors, and partitions shall not be permitted in a spa enclosure.

e. Operational records. The operator of a spa shall have the spa operational records for the previous 12 months at the spa facility and shall make these records available upon the request of a swimming pool/spa inspector. These records shall contain a day-by-day account of spa operation, including:

(1) Results of pH, free chlorine or total bromine residual, cyanuric acid (if used), combined chlorine, total alkalinity, and calcium hardness tests, and any other chemical test results.

(2) Results of microbiological analyses.

(3) Water temperature measurements.

(4) Reports of complaints, accidents, injuries, or illnesses.

(5) Dates and quantities of chemical additions, including resupply of chemical feed systems.

(6) Dates when filters were backwashed or cleaned or a filter cartridge(s) was changed.

(7) Draining and cleaning of spa.

(8) Dates when ground fault interrupter receptacles or circuit breakers were tested.

(9) Dates of review of material safety data sheets.

f. Submission of records. The inspection agency (the department or a contracting board of health) may require a spa facility operator to submit copies of chemical test results and microbiological analyses to the inspection agency on a monthly basis. The inspection agency shall notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility operator shall submit the required reports to the inspection agency within 10 days after the end of each month of operation.

g. Operations manual. A permanent manual for operation of a spa shall be at the facility. It shall include:

(1) Operating and maintenance instructions for each type of filter, pump and safety device, including filter backwash or cleaning instructions. For each recirculation pump installed after March 13, 1993, a pump performance curve plotted on an 8½" × 11" sheet shall be included.

(2) Operating and maintenance instructions for other equipment used at the spa.

(3) Water testing procedures.

(4) A schematic drawing of the spa recirculation system. Clear labeling of the spa piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

h. Material safety data sheets. Copies of material safety data sheets for the chemicals used at the spa shall be kept at the facility in a location known to facility staff with chemical handling responsibilities. The material safety data sheets shall be reviewed by the facility staff at least annually.

i. Emergency plan. A written emergency plan shall be provided. The plan shall include, but may not be limited to, actions to be taken in cases of drowning, hyperthermia, heart attacks, chemical accidents, and serious injuries. The emergency plan shall be reviewed with the facility staff at least once a year and the dates of review or training shall be recorded.

j. Temporary spas.

(1) A person offering temporary spas for rent shall be a certified operator.

(2) Records of temporary spas shall be maintained for one year which identify the location of all installations.

(3) Written operational instructions shall be provided to individuals operating or leasing a spa. The instructions shall be consistent with this chapter and provide guidance in the following areas:

1. Acceptable sources of water supply and procedure for cross-connection control—15.51(1)"h."

2. Methods for routine cleaning and superchlorination—15.51(3)"b."

3. Procedures for maintaining prescribed levels of disinfectant residual, pH, total alkalinity, clarity, and microbiological quality, and using the test kit—15.51(2)"a" to 15.51"g."

4. Procedures for maintaining temperature and operation of temperature controls—15.51(4)"c."

5. Warning to prevent electrical hazards—15.51(4)"k."

6. Procedures for operation of filters, including backwashing—15.51(1)"a" and 15.51"b."

7. A warning to the renter that the renter should prevent unauthorized or accidental access to a spa when it contains water.

15.51(6) Reports. Spa operators shall report to the department within one working day of occurrence all deaths; head, neck, spinal cord injuries; and any injury which renders a person unconscious or requires immediate medical attention.

641—15.52(135I) Construction and reconstruction. A spa constructed or reconstructed after the effective date of these rules shall comply with the following standards. An existing spa shall comply with the requirements of 641—15.4(135I). Nothing in these rules is intended to exempt spas and associated structures from any applicable federal, state or local laws, rules or ordinances. Applicable requirements include, but are not limited to, the handicapped access and energy requirements of the state building code, the fire and life safety requirements of the state fire marshal, the

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rules of the Iowa department of workforce development, and the rules of the Iowa department of natural resources.

15.52(1) Construction permits.

a. Permit required. No spa shall be constructed or reconstructed without first receiving a permit from the department. Construction shall be completed within six months from the date the construction permit is issued unless a written extension is granted by the department.

b. Permit application. The owner of a proposed or existing spa or the owner's designated representative shall apply for a construction permit on forms provided by the department. The application shall be submitted to the department at least 15 days prior to construction of a new spa or the reconstruction of a spa.

c. Plan submission. Three sets of plans and specifications shall be submitted with the application. A nonrefundable plan review fee shall be remitted with the application for each spa as required in 15.12(3).

d. Notification of completion. The owner of a newly constructed or reconstructed spa facility or the owner's designated representative shall notify the department, in writing, within 15 days after the completion of construction.

15.52(2) Plans and specifications.

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the Iowa engineering and land surveying examining board or the Iowa architectural examining board by an engineer or architect licensed to practice in Iowa.

(1) This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, provided there is no effect on the recirculation flow rate or a requirement for structural modifications or additions to any building.

(2) If the requirement for engineering plans is waived, the owner of the spa assumes full responsibility for ensuring that the construction or reconstruction complies with these rules and with any other applicable federal, state and local laws, rules, and ordinances.

b. Information required. Plans and specifications shall contain sufficient information to demonstrate to the department that the proposed spa will meet the requirements of this chapter. This shall include, but may not be limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the spa in relation to buildings, streets, any swimming pool within the same general area, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the spa and its appurtenances, including a plan view and cross sections at a scale of 1/4 inch per foot or larger. The location of inlets, overflow system components, main drains, deck and deck drainage, the location and size of spa piping, and the spa steps and handrails shall be shown.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, and heaters, and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the make-up water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply and drain and vent systems;

gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the spa, for the spa equipment and for the spa appurtenances.

c. Deviation from plans. No deviation from the plans and specifications or conditions of approval shall be made without prior approval of the department.

15.52(3) General design.

a. Materials. A spa shall be constructed of materials which are inert, stable, nontoxic, watertight, and durable.

b. Water depth. The maximum water depth shall not exceed 4 ft measured from the overflow level of the spa. The maximum depth of any seat or sitting bench shall not exceed 2 ft measured from the overflow level.

c. Structural loading. A spa shall be designed and constructed to withstand anticipated structural loading for both full and empty conditions.

d. Distance from a swimming pool. When a spa is adjacent to a swimming pool, the spa shall be at least 5 ft from the pool. If the water depth in the adjacent area of the swimming pool is greater than 5 ft, the spa shall be at least 15 ft from the swimming pool.

e. Water supply. The water supplied to a spa shall be from a source meeting the requirements of the Iowa department of natural resources for potable water.

(1) Water supplied to a spa shall be discharged to the spa system through an air gap or a reduced-pressure principle backflow device complying with the requirements of American Water Works Association standard, C-511-92, "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Vacuum breaker backflow preventers shall be provided on hose bibs serving a spa.

f. Operations manual. The owner shall require that a permanent manual for operation of a spa facility be provided. It shall include:

(1) Operating and maintenance instructions for each type of filter, pump and safety device, including filter backwash or cleaning instructions. For each centrifugal pump, a pump performance curve plotted on an 8 1/2" x 11" or larger sheet shall be included. For each chemical feeder, the maximum rated output shall be listed in weight per time or volume per time units.

(2) Operating and maintenance instructions for other equipment used at the spa.

(3) A parts list and exploded drawing for each piece of equipment with field-replaceable parts.

(4) A schematic drawing of the spa recirculation system. Clear labeling of the spa piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

15.52(4) Decks. A spa shall have a deck around at least 50 percent of the spa perimeter. The deck shall be at least 4 ft wide.

a. Deck materials. The deck shall be constructed of stable, nontoxic, and durable materials.

b. Deck drainage. The deck shall drain away from the spa at a slope of at least 1/8 inch/ft to deck drains or to the surrounding ground surface. The deck shall be constructed to eliminate standing water.

c. Deck surface. The deck shall be provided with a slip-resistant, durable, and cleanable surface.

d. Deck covering. A deck covering may be used provided:

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(1) The covering allows drainage so that the covering and the deck do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) It is durable and cleanable.

e. Steps or ramp required. When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp shall be provided to the top of the spa.

15.52(5) Recirculation.

a. Separate recirculation required. A spa shall have a recirculation system separate from another spa or any swimming pool.

b. Recirculation flow rate. The recirculation system shall be capable of processing one spa volume of water within 30 minutes. For spas with skimmers, the recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or the flow rate required above, whichever is greater.

c. Recirculation pump. The recirculation pump(s) shall comply with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," published by NSF International, and the following requirements:

(1) The pump(s) shall supply the recirculation flow rate required by 15.52(5)"b" at a TDH of at least that given in "1," "2," and "3" below, unless a lower pressure is shown by the designer to be hydraulically appropriate. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.

1. 40 ft for vacuum filters; or

2. 60 ft for pressure sand filters; or

3. 70 ft for pressure diatomaceous earth filters or cartridge filters.

(2) A separate pump or pumps shall be provided for the spa agitation system.

(3) For sand filter systems, the pump(s) shall have sufficient capacity to provide a backwash rate of at least 15 gpm/ft² of filter area.

(4) If a pump is located at an elevation higher than the pool water surface, it shall be self-priming or the piping shall be arranged to prevent the loss of pump prime when the pump is stopped.

(5) Where a vacuum filter is used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 in Hg.

(6) A compound vacuum-pressure gauge shall be installed on the pump suction line. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump. Gauges shall be located and of such a size that they may be easily read by the operator.

(7) On pressure filter systems, a hair and lint strainer shall be installed on the suction side of the pump. The hair and lint strainer basket shall be easily removable for cleaning, changing, or inspection. A spare strainer basket shall be provided. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Spa water heater.

(1) A heating coil, pipe or steam hose shall not be installed in a spa.

(2) Gas-fired spa water heaters shall comply with the requirements of ANSI-Z21.56-1994 and ANSI-Z21.56a-1996 as published by American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia. The data plate of the heater shall bear the American Gas Association seal.

(3) Electric spa water heaters shall comply with the requirements of UL 1261 as published by Underwriters Laboratory, Chicago, Illinois, and shall bear the UL mark.

(4) A spa water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) shall have a water heating vessel constructed in accordance with American Society of Mechanical Engineers (ASME) Boiler Code, Section 8, as published by ASME, 345 East 47th Street, New York, New York. The data plate of the heater shall include the mark of the ASME.

(5) A thermometer shall be installed in the piping to measure the temperature of the water returning to the spa. The thermometer shall be located so that it may be read easily by an operator.

(6) Combustion air shall be provided for fuel-burning water heaters as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or as required by local ordinance.

(7) Fuel-burning water heaters shall be vented as required by the state plumbing code, 641—Chapter 25, Iowa Administrative Code, or as required by local ordinance.

15.52(6) Filtration. A filter shall comply with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, and the following requirements:

a. Pressure gauges. Each pressure filter shall have a pressure gauge on the inlet side. Gauges shall be located and of such a size that they may be read easily by the operator. A differential pressure gauge which gives the difference in pressure between the inlet and outlet of the filter may be used in place of a pressure gauge.

b. Air relief valves. An air relief valve shall be provided for each pressure filter.

c. Backwash water visible. Backwash water from a pressure filter shall discharge through an observable free fall, or a sight glass shall be installed in the backwash discharge line.

d. Backwash water discharge. Backwash water shall be discharged indirectly to a sanitary sewer or another point of discharge approved by the Iowa department of natural resources.

e. Rapid sand filter.

(1) The filtration rate shall not exceed 3 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

f. High-rate sand filter.

(1) The filtration rate shall not exceed 15 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

(3) If more than one filter tank is served by a pump, the designer shall demonstrate that backwash flow rate to each filter tank meets the requirements of (2), or an isolation valve shall be installed at each filter tank.

g. Vacuum sand filter.

(1) The filtration rate shall not exceed 15 gpm/ft² of filter area.

(2) The backwash rate shall be at least 15 gpm/ft² of filter area.

(3) An equalization screen shall be provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system shall have an automatic air purging cycle.

h. Sand filter media shall meet the manufacturer's specifications.

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i. Diatomaceous earth filters.

(1) The filtration rate shall not be greater than 1.5 gpm/ft² of effective filter area except that a maximum filtration rate of 2.0 gpm/ft² may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems shall have piping to allow recycling of the filter effluent during precoating.

(3) Waste diatomaceous earth shall be discharged to a sanitary sewer or other point of discharge approved by the Iowa department of natural resources. The discharge may be subject to the requirements of the local waste water utility.

j. Cartridge filters.

(1) The filtration rate shall not exceed 0.38 gpm/ft².

(2) A duplicate set of cartridges shall be provided.

k. Other filter systems may be used if approved by the department.

15.52(7) Piping.

a. Piping standards. Spa piping shall conform to applicable nationally recognized standards and shall be specified for use within the limitations of the manufacturer's specifications. Recirculation piping shall comply with the applicable requirements of ANSI/NSF Standard 61, "Drinking Water System Components—Health Effects," as published by NSF International, Ann Arbor, Michigan.

b. Pipe sizing. Spa recirculation piping shall be sized so that water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow.

c. Skimmer pipe capacity. The piping for the skimmer system shall be designed to convey 100 percent of the recirculation flow rate.

d. Main drain pipe capacity. The main drain piping shall be designed to convey 100 percent of the recirculation flow rate. If the spa agitation system uses the same suction piping as the recirculation system, the piping shall be designed for the combined flow within the requirements of paragraph "b" above.

e. Separate piping required. The piping from the spa agitation system pump to the spa shall be separate from the recirculation system piping.

15.52(8) Inlets.

a. Wall inlets shall be provided for a spa.

b. At least two recirculation inlets shall be provided.

(1) Inlets shall be located at least 6 inches below the design water surface.

(2) Inlets shall be directional flow-type inlets.

c. The flow through each inlet shall be adjustable.

15.52(9) Skimmers. A skimmer shall be listed by NSF International or by another listing agency approved by the department as complying with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, Ann Arbor, Michigan.

a. Skimmers required. A spa shall have at least one skimmer for each 100 ft² of surface area or fraction thereof.

b. Flow-through skimmers. Each skimmer shall be designed for a flow-through rate of at least 3.8 gpm per lineal inch of weir. The combined capacity of all skimmers in a spa shall not be less than the total recirculation rate.

c. Skimmer weirs. Skimmers shall have weirs that adjust automatically to variations in water level of at least 4 inches.

d. Flow control. Skimmers shall be equipped with a device to control flow through the skimmer.

e. Equalizers. Skimmers shall have an equalizer pipe. In lieu of an equalizer pipe, the skimmer suction line may be connected to the main drain line.

f. The skimmer(s) shall not be connected to the agitation system.

15.52(10) Main drain system. Spa main drains may be on the side wall of a spa near the spa bottom.

a. Main drains. Each spa pump shall be connected to two or more main drains. The recirculation system and the agitation system may use the same drains.

(1) Main drains shall be at least 3 ft apart on center or on different spa surfaces, and shall be connected in parallel.

(2) Each main drain connected to the recirculation system shall be designed for 100 percent of the recirculation flow. If the agitation system draws from the same drains, the drains shall be designed for the total combined flow.

b. Control valve. There shall be a control valve to adjust the flow between the main drains and the overflow system.

c. Main drain covers. Each main drain shall be covered with a grate or other approved cover which is designed to prevent bather entrapment. The water velocity through the open area of the cover shall be no more than 1 1/2 ft/sec or a cover listed with a recognized listing agency as complying with the requirements of ANSI/ASME 112.19.8M-1987 shall be used. A listed cover shall be used in accordance with its listing. The main drain cover shall be designed to be securely fastened to the spa so it is not removable without tools.

15.52(11) Disinfection and pH control.

a. Controller required. Each spa approved for construction after the effective date of these rules shall be equipped with an automatic controller for the maintenance of proper disinfectant level and pH in the spa water. The control output of the controller to the chemical feed systems shall be based on the continuous, direct measurement of the ORP and the pH of the water in the spa recirculation system.

b. Disinfection system. A continuous feed disinfectant system shall be provided. The disinfectant feed system shall have the capacity to supply at least 10 ppm chlorine or bromine based on the recirculation flow rate required in 15.52(5)"b."

c. Disinfectant feeder listing. A disinfectant feeder shall be listed by NSF International or by another listing agency approved by the department as complying with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, Ann Arbor, Michigan.

d. Gas chlorine shall not be used as a disinfectant for a spa.

e. Solution feed. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container shall have a capacity of at least one day's supply at the rate specified in 15.52(11)"b."

f. Erosion chlorine feeders. The storage capacity of an erosion feeder shall be at least one day's supply of disinfectant at the rate specified in 15.52(11)"b."

g. pH chemical system. Each spa shall have a metering pump for the addition of a pH control chemical to the spa recirculation system, or a carbon dioxide (CO₂) gas feed system. A metering pump shall be listed by NSF International or another listing agency approved by the department as complying with the requirements of Standard 50, "Circulation System Components for Swimming Pools, Spas, or Hot Tubs," as published by NSF International, Ann Arbor, Michigan.

h. Chemical feed stop. The chemical feed systems shall be designed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

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i. Test equipment. Test equipment complying with the following requirements shall be provided at each spa facility.

(1) The test equipment shall provide for the direct measurement of free chlorine and combined chlorine, or total bromine from 0 to 20 ppm in increments of 0.2 ppm or less over the full range.

(2) If a chlorine chemical is used for spa water disinfection, the test equipment shall provide for the measurement of spa water pH from 7.0 to 8.0 with at least five increments in that range. If a bromine chemical is used for spa water disinfection, the test equipment shall provide for the measurement of pH from 7.0 to 8.5 with at least seven increments in that range.

(3) The test equipment shall provide for the measurement of total alkalinity and calcium hardness with increments of 10 ppm or less.

(4) The test equipment shall provide for the measurement of cyanuric acid from 30 to 100 ppm. This requirement may be waived for a facility that does not use cyanuric acid or a stabilized chlorine disinfectant.

15.52(12) Safety.

a. Spa entry. A spa shall have at least one stairway, ramp, ladder, or set of recessed steps designating a point of entry and exit for every 50 ft of perimeter or fraction thereof.

(1) Stair steps leading into a spa shall be at least 12 inches wide, the tread depth shall be no less than 10 inches, and the riser height shall be no more than 12 inches. If a bench or seat is used as a part of the stair, the first riser height from the bottom of the spa to the seat or bench shall be no more than 14 inches. Except for the first riser, the riser height shall be uniform.

1. Stair steps shall be provided with a slip-resistant surface.

2. The stair steps shall be provided with two handrails or grab rails, one on each side of the steps.

(2) Ladders.

1. Ladders shall be provided with a handrail which extends from below the water surface to the top surface of the deck on each side of the ladder.

2. Ladders shall be of a color contrasting with the spa walls.

(3) Recessed steps.

1. Recessed steps shall have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.

2. Recessed steps shall be provided with a handrail or with deck-level grab rails on each side of the recessed steps.

3. Recessed steps shall drain to the spa.

(4) Handrails and grab rails.

1. Ladders, handrails, and grab rails shall be designed to be securely anchored and so that tools are required for their removal.

2. Ladders, handrails, and grab rails shall be of corrosion-resistant materials, or provided with corrosion-resistant coatings. They shall have no exposed sharp edges.

b. Agitation system control. The agitation system start control shall be installed out of the reach of persons in the spa. The "on" cycle for the agitation system shall be no more than ten minutes.

c. Electrical. New construction or reconstruction shall comply with the requirements of the National Electrical Code, 70-96, as published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

d. Lighting. Artificial lighting shall be provided at indoor spas and at outdoor spas which are to be used after sunset, in accordance with the following:

(1) Underwater lighting of at least 60 lamp lumens/ft² or 0.5 watts/ft² of water surface area and area lighting of at least 10 lumens/ft² or 0.6 watts/ft² of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 lumens/ft² or 2.0 watts/ft² of spa water surface area shall be provided.

e. Spa enclosure.

(1) A spa shall be enclosed by a fence, wall, building or combination thereof at least 4 ft high. The spa enclosure shall be constructed of durable materials. A spa may be in the same room or enclosure as another spa or a swimming pool.

(2) A fence, wall, or other means of enclosure shall have no opening, other than gates and doors, that would permit the passage of a 4-inch sphere and shall not be easily climbable by toddlers. The distance between the ground or floor and the top of the lowest horizontal support accessible from the outside of the facility, or between the two lowest horizontal supports accessible from outside the facility, shall be at least 45 inches. Except where controlled entrance to the spa is provided, gates or doors into the spa area shall be lockable, self-closing and self-latching.

(3) Except as modified by 15.52(12)"e"(4), all facilities with an indoor spa which have secured entry shall be considered to have met the provisions of 15.52(12)"e"(1).

(4) An indoor spa shall be enclosed by a barrier at least 3 ft high if there are sleeping rooms, apartments, condominiums, or permanent recreation areas used by children which open directly into the spa area. A spa may be in the same enclosure as another spa or a swimming pool. No opening in the barrier except for a gate or door shall permit the passage of a 4-inch sphere. Gates or doors shall be lockable, self-closing and self-latching.

These rules are intended to implement Iowa Code chapter 135I.

ARC 7785A

**PUBLIC HEALTH
DEPARTMENT[641]**

Notice of Termination

Pursuant to the authority of Iowa Code section 135.11, the Iowa Department of Public Health hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on June 4, 1997, as **ARC 7287A**, adopting Chapter 178, "Waivers of Public Health Administrative Rules," Iowa Administrative Code.

The Notice proposed to adopt Chapter 178 to provide the process and criteria for the waiver of a departmental rule.

The Department is terminating the rule making commenced in **ARC 7287A** and is renouncing the proposed rules to incorporate significant changes in the rules as originally proposed.

ARC 7786A

PUBLIC HEALTH
DEPARTMENT[641]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 135.11, the Iowa Department of Public Health hereby gives Notice of Intended Action to adopt Chapter 178, "Variances and Waivers of Public Health Administrative Rules," Iowa Administrative Code.

These rules provide the process and criteria for the waiver or variance of a departmental rule.

Any interested person may make written suggestions or comments on these proposed rules on or before February 17, 1998. Such written material should be directed to Mike Marshall, Department of Public Health, Fourth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075 or fax (515)281-4958.

Also, there will be a public hearing on February 17, 1998, at 2 p.m. in the Fourth Floor Conference Room of the Lucas State Office Building.

Any persons who intend to attend the public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Public Health and advise of special needs.

These rules are intended to implement Iowa Code section 135.11.

The following new chapter is proposed.

CHAPTER 178

VARIANCES AND WAIVERS OF PUBLIC HEALTH
ADMINISTRATIVE RULES

641—178.1(135) Applicability. This chapter governs waivers or variances from department rules in the following circumstances: (1) the director of public health has exclusive rule-making authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which waiver or variance is requested; and (2) no statute or rule otherwise controls the grant of a waiver or variance from the rule from which waiver or variance is requested.

641—178.2(135) Director's authority. The director, or the presiding officer as part of the decision in a contested case, may grant a waiver of, or variance from, all or part of a rule.

641—178.3(135) Compliance with statute. No waiver or variance may be granted from a requirement that is imposed by statute. Any waiver or variance must be consistent with statute.

641—178.4(135) Criteria. A waiver or variance under this chapter may be granted only upon a showing that:

178.4(1) Substantially equal protection of health and safety will be afforded by a means other than that prescribed in the particular rule for which the variance or waiver is requested; and

178.4(2) The waiver or variance will not harm other persons and will not adversely affect the public interest; and

178.4(3) Because of special circumstances, either the requester is unable to comply with the particular rule without undue hardship or compliance with the particular rule would be unnecessarily and unreasonably costly and serve no public benefit.

641—178.5(135) Request. A request for a waiver or variance must be submitted in writing to the department with a copy to the director. Submissions to the department shall be directed within the department according to the nature of the proceeding to which the waiver or variance relates.

178.5(1) License or permit. If the request relates to an application for, or limitation on, a license or permit, the request shall be made in accordance with the filing requirements for the license or permit in question.

178.5(2) Contested cases. If the request relates to a pending contested case, the request shall be filed in the contested case proceeding.

178.5(3) Other. If the request does not relate to a particular license or permit and it is not related to a pending contested case, the request may be submitted to the Coordinator for Administrative Rules, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319.

641—178.6(135) Elements. A request for waiver or variance shall include the following information where applicable:

178.6(1) The name, address, and telephone number of the person requesting the waiver or variance and the person's representative, if any.

178.6(2) The specific rule from which a waiver or variance is requested.

178.6(3) The nature of the waiver or variance requested, including any alternative means or other proposed condition or modification proposed to achieve the purpose of the rule.

178.6(4) An explanation of the reason for the waiver or variance, including all material facts relevant to the grant of the waiver or variance in question.

178.6(5) A description of any prior contacts between the department and the requester relating to the regulated activity or permit affected by the proposed waiver or variance, including a list or description of department permits held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or permit within the last five years.

178.6(6) The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the grant of a waiver or variance.

178.6(7) Any information known to the requester regarding the department's treatment of similar cases.

178.6(8) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver or variance.

178.6(9) Any necessary releases of information authorizing persons with knowledge to disclose relevant information to the department.

641—178.7(135) Ruling. The department shall respond in writing to all requests. The ruling shall include the reason for granting or denying the request and, if approved, the time period during which the waiver or variance is effective. Rulings on a waiver or variance shall be made by the director in the following manner:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

178.7(1) Agency staff to whom the request was properly directed shall make a recommendation to the director when the request relates to an application for, or limitation on, a license or permit, or relates to any other matter except a contested case. The director shall respond to the request.

178.7(2) The presiding officer in a contested case shall respond to a request relating to a pending contested case proceeding in the proposed or final decision of the agency. The director may affirm, reverse, or modify the response on intra-agency appeal.

641—178.8(135) Public availability. All final rulings in response to requests for waivers or variances shall be indexed and available to members of the public in the Office of the Coordinator for Administrative Rules, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319.

641—178.9(135) Conditions. The director may condition the grant of a waiver or variance on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

641—178.10(135) Voiding or cancellation. A waiver or variance is void if the material facts upon which the request is based are not true or if material facts have been withheld. The director may at any time cancel a waiver or variance upon appropriate notice and hearing if the director finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver or variance has failed to achieve the objectives of the statute, or the requester has failed to comply with conditions set forth in the waiver or variance approval.

641—178.11(135) Violations. Violation of conditions in the waiver or variance approval is the equivalent of violation of the particular rule for which the waiver or variance is granted and is subject to the same remedies or penalties.

641—178.12(135) Appeals. Any request for an appeal from a decision by the director granting or denying a variance or waiver shall be in accordance with the procedures provided in Iowa Code chapter 17A. An appeal shall be taken within 30 days of the issuance of the ruling in response to the request unless a contrary time is provided by rule.

Any request for an appeal from a decision by the presiding officer in a contested case proceeding granting or denying a variance or waiver shall be in accordance with the procedures provided in 641—Chapter 173. An appeal shall be taken within ten days of the issuance of the presiding officer's proposed decision in response to the request unless a contrary time is provided by rule. Notwithstanding any departmental rule to the contrary, the director may, upon notice to the parties to a contested case given within ten days of the issuance of the presiding officer's proposed decision, review a presiding officer's proposed decision in which a variance or waiver has been granted or denied regardless of whether any party to the contested case proceeding requests an appeal. The director may then affirm, reverse, or modify the presiding officer's decision granting or denying a variance or waiver.

These rules are intended to implement Iowa Code section 135.11.

ARC 7779A

TRANSPORTATION
DEPARTMENT[761]

Notice of Intended Action

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 400, "Vehicle Registration and Certificate of Title," Iowa Administrative Code.

This amendment specifies that, for motorcycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate, rather than the lower left corner. This is necessary because the new month/year sticker is larger than previous stickers and will not fit on the smaller plates.

This amendment is intended to implement Iowa Code section 321.34.

Any person or agency may submit written comments concerning this amendment or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Director's Staff Division, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639.
5. Be received by the Director's Staff Division no later than February 17, 1998.

A meeting to hear requested oral presentations is scheduled for Thursday, February 19, 1998, at 11 a.m. in the conference room of the Motor Vehicle Division, which is located on the lower level of Park Fair Mall, 100 Euclid Avenue, Des Moines.

The meeting will be canceled without further notice if no oral presentation is requested.

Proposed rule-making action:

Amend subrule 400.53(1) as follows:

400.53(1) Placement of validation sticker. The validation sticker shall be affixed to the lower left corner of the rear registration plate. *Exception: For motorcycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate.*

ARC 7778A

TRANSPORTATION
DEPARTMENT[761]

Notice of Intended Action

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

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 480, "Abandoned Vehicles," Iowa Administrative Code.

These rules are being amended in response to the recommendations of an internal audit report. The amendments:

- Require submission of an abandoned vehicle report to the Department only when the police authority is remitting unclaimed profits or requesting reimbursement for losses incurred.

- Establish a starting date to be used to calculate the 20-day notification period to the owner and lienholder(s) of the abandoned vehicle.

- Require detailed receipts for expenses incurred. However, a receipt is not required for auction expense.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to the Department of Transportation, Director's Staff Division, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639.

5. Be received by the Director's Staff Division no later than February 17, 1998.

A meeting to hear requested oral presentations is scheduled for Thursday, February 19, 1998, at 10 a.m. in the conference room of the Motor Vehicle Division, which is located on the lower level of Park Fair Mall, 100 Euclid Avenue, Des Moines.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. The Department has considered the factors listed in Iowa Code subsection 17A.31(4), paragraphs "a" to "l." The following may request the issuance of a regulatory flexibility analysis: the Administrative Rules Review Committee, the Governor, a political subdivision, at least 25 persons signing the request who qualify as a small business, or an organization registered with the Department and representing at least 25 persons. The request must:

1. Include the name, address, and telephone number of the person(s) authoring the request.

2. Be submitted in writing to the Director's Staff Division at the address listed in this Notice.

3. Be delivered to the Director's Staff Division or post-marked no later than 20 days after publication of this Notice in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code section 321.89.

Proposed rule-making action:

Amend rule 761—480.3(321) as follows:

761—480.3(321) Disposal by police authority. If the police authority did not hire a private entity, the following applies:

480.3(1) Report. The police authority shall report each an abandoned vehicle to the department *only if it is remitting unclaimed profits or requesting reimbursement. The report shall be submitted on Form 411090. The report shall be submitted within 90 days after the sale or disposal, whether a profit or loss was sustained.*

480.3(2) Documents. The police authority shall submit the following documents with Form 411090:

- a. Impound report. The impound report showing the date the vehicle was taken into custody and providing a complete description of the vehicle. *The date the vehicle was taken into custody is the date of abandonment unless the police authority declares a different date of abandonment. The abandonment date shall be used to calculate the 20-day notification period to the owner and lienholder(s).*

- b. Notice. A copy of the notice sent to the owner and lienholder(s) or proof of publication of notice. The department shall not reimburse any loss unless the notice was sent or published within the required 20 days.

480.3(3) Receipts. The police authority shall submit with Form 411090 ~~a receipt~~ *detailed receipts* showing payment for each expense incurred. *A receipt must identify the date(s) of occurrence of the expense; for example, a receipt for storage must identify the beginning and ending dates. A receipt for both towing and storage must show separately the towing charge and the storage charge per day. Reimbursement shall be limited as follows:*

- a. Towing—\$50 per vehicle.

- b. Notice—actual postage or publication cost.

- c. Storage—\$5 per day, not to exceed 45 days per vehicle.

~~(1) When the department provides storage facilities for use by a police authority, the department shall not charge for storage nor allow reimbursement for other storage costs incurred. If a police authority provides its own storage facility for abandoned vehicles, the department shall not reimburse the police authority for use of that facility.~~

(2) When the vehicle is held for an evidentiary hearing for more than 45 days, the police authority shall submit proof of the evidentiary hearing to obtain reimbursement.

- d. Auction—10 percent of the vehicle's sale price or \$10 per vehicle, whichever is less. *A receipt is not required for auction expense reimbursement.*

480.3(4) Reimbursement Report claiming reimbursement. ~~A claim for reimbursement must be submitted to the department within 90 days after the sale or disposal of the abandoned vehicle.~~ The department shall reimburse the police authority only for losses incurred in disposing of a vehicle abandoned on a public highway.

480.3(5) Unclaimed Report remitting unclaimed profits.

- a. If proceeds from the sale or disposal of a vehicle are not claimed by the owner or lienholder(s) during the specified 90 days, the police authority shall send the proceeds to the department within 10 days after the claiming period expires.

- b. If a mobile home or personal property is disposed of pursuant to Iowa Code section 321.90, the proceeds are exempt from this rule.

ARC 7780A

**NOTICE—PUBLIC FUNDS
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Michael K. Guttau, and Auditor of State Richard D. Johnson have established today the following rates of interest for public obligations and special assessments. The usury rate for January is 8.00%.

**INTEREST RATES FOR PUBLIC
OBLIGATIONS AND ASSESSMENTS**

- 74A.2 Unpaid Warrants Maximum 6.0%
- 74A.4 Special Assessments Maximum 9.0%

RECOMMENDED for 74A.3 and 74A.7: A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 13, 1998, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

- 7 - 31 days Minimum 4.50%
- 32 - 89 days Minimum 4.60%
- 90 - 179 days Minimum 5.00%
- 180 - 364 days Minimum 4.90%
- One year Minimum 5.00%
- Two years or more Minimum 5.15%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

**VETERANS AFFAIRS
COMMISSION[801]**

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 35A.3(2) and 35A.3(12), the Veterans Affairs Commission hereby gives Notice of Intended Action to amend Chapter 1, "Organization and Procedures," Iowa Administrative Code.

This amendment reflects current Commission operating procedure, which is to select a chairperson, a senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

Any interested person may make written suggestions or comments on the proposed amendment on or before February 17, 1998. Such written materials should be directed to the Iowa Commission of Veterans Affairs, Camp Dodge, Building A6A, 7700 N.W. Beaver Drive, Johnston, Iowa 50131-1902; fax (515)242-5659. Persons who wish to convey their views orally should contact the Iowa Commission of Veterans Affairs at (515)242-5331 or at the Commission's offices in Building A6A at Camp Dodge.

Also, there will be a public hearing on February 17, 1998, at 1 p.m. in Building A6A, Camp Dodge, just north of Johnston, Iowa. Concerned citizens may present their views either orally or in writing at this time. At the hearing, citizens will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

This amendment is intended to implement Iowa Code section 35A.3, subsection (1).

The following amendment is proposed.

Amend subrule 1.2(3), paragraph "a," as follows:

- a. Organize and annually select a chairperson, and senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

ARC 7784A

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 159.5(11) and 192.102, the Iowa Department of Agriculture and Land Stewardship hereby amends Chapter 68, "Dairy," Iowa Administrative Code.

These rules are intended to implement Iowa Code chapter 192 relating to the licensing and regulation of milk haulers and milk graders. These rules specify the conditions for licensing as well as the proper tools required, techniques to be used, and sanitation needed to operate as a milk hauler or a milk grader.

Notice of Intended Action was published in the December 3, 1997, Iowa Administrative Bulletin, Volume XX, No. 12, as **ARC 7684A**. In response to comments received during the comment period, the following two changes were made to the proposed rules:

1. In subrule 68.69(5), paragraph "c," an incorrect reference to "milk hauler renewal application" is changed to "milk grader renewal application" to make it consistent with the remainder of that subrule.

2. In subrule 68.70(2), the word "farm" has been inserted before the words "bulk tank" to clarify that the procedures outlined in subrules 68.49(2) to 68.49(4) apply to milk graders visiting the farm as opposed to milk graders taking samples only at a dairy plant.

These rules are intended to implement Iowa Code chapter 192.

These rules shall become effective on March 4, 1998.

The following rules are adopted.

Reserve rules **21—68.37** to **68.39** and adopt the following **new** rules:

MILK TANKER, MILK HAULER, MILK GRADER,
CAN MILK TRUCK BODY

21—68.40(192) Definitions.

"Bulk milk tanker" means a mobile bulk container used to transport milk or fluid milk products from farm to plant or from plant to plant. This includes both the over-the-road semitankers and the tankers that are permanently mounted on a motor vehicle.

"Bulk tank" means a bulk tank used to cool and store milk on a farm.

"Can milk truck body" means a truck body permanently mounted on a motor vehicle for the purpose of picking up milk in milk cans from dairy farms for delivery to a milk plant.

"Dairy farm" means any place where one or more cows, sheep or goats are kept for the production of milk.

"Milk" means the lacteal secretion of cows, sheep or goats, and includes dairy products.

"Milk can" means a sanitary-designed, seamless, stainless steel can, manufactured from approved material for the purpose of storing raw milk on can milk farms, to be picked up and loaded onto a can milk truck body.

"Milk grader" means a person who collects a milk sample from a bulk tank or a bulk milk tanker. This includes dairy industry field personnel and dairy industry milk intake personnel.

"Milk hauler" means any person who collects milk at a dairy farm for delivery to a milk plant.

"Milk plant" means any facility where milk is processed, received or transferred.

"Milk producer" means any person who owns or operates a dairy farm.

21—68.41(192) Bulk milk tanker license required.

68.41(1) A milk tanker shall not operate in Iowa without a valid license.

68.41(2) The license application shall include a description of the bulk milk tanker, including the make, serial number, capacity and the address at which the bulk milk tanker is customarily kept when not being used. The applicant shall also furnish any other information which the department reasonably requires for identification and licensing.

68.41(3) A license pursuant to this rule expires June 30 annually and is not transferable between tankers.

68.41(4) The department may initiate an enforcement action against a person operating a bulk milk tanker if the department determines that the person has operated without a license or has procured another person to operate without a license.

68.41(5) The cost of the bulk milk tanker license is \$25 per year.

68.41(6) If the bulk milk tanker and accessories have been inspected within the last 12 months and carry a current license, the bulk milk tanker renewal license application and a return envelope will be mailed to the owner of the tanker in April annually by the dairy products control bureau office in Des Moines.

21—68.42(192) Bulk milk tanker construction. A bulk milk tanker, including equipment and accessories, shall be of a sanitary design and construction and shall comply with "3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service," Number 05-14 (November 1, 1989), published jointly by the International Association of Milk, Food and Environmental Sanitarians, Inc. and the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services.

21—68.43(192) Bulk milk tanker cleaning and maintenance.

68.43(1) A bulk milk tanker, including equipment and accessories, shall be thoroughly cleaned immediately after each day's use and shall be kept clean and in good repair.

68.43(2) All product contact surfaces on a bulk milk tanker, including all contact product surfaces of equipment and accessories used on the tanker, shall be thoroughly cleaned.

68.43(3) External surfaces of a bulk milk tanker shall also be thoroughly cleaned.

21—68.44(192) bulk milk tanker sanitization. All product contact surfaces on a bulk milk tanker, including equipment and accessories, shall be thoroughly sanitized immediately after cleaning.

21—68.45(192) Bulk milk tanker cleaning facility.

68.45(1) A bulk milk tanker shall be cleaned and sanitized in a fully enclosed facility.

68.45(2) The facility shall have an impervious drained floor and shall be equipped with adequate hot and cold water under pressure, a wash vat, sanitizing facilities and equipment storage racks.

68.45(3) A bulk milk tanker may be cleaned and sanitized in the same room where milk is being received from bulk milk tankers.

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

21—68.46(192) Bulk milk tanker cleaning tag.

68.46(1) When a bulk milk tanker has been thoroughly cleaned and sanitized, but is not returning to the same plant, the dairy receiving operator shall attach a tag showing all of the following:

- a. The date on which the tanker was cleaned and sanitized.
- b. The name and location of the facility where the tanker was cleaned and sanitized.
- c. The legible signature or initials of the person who cleaned and sanitized the tanker.
- d. The type or name of the chemicals used to clean and sanitize.

68.46(2) The tag shall be attached to the outlet valve or inside the pump cabinet of the tanker.

68.46(3) The tag shall not be removed until the tanker is cleaned and sanitized again.

68.46(4) All unused tags shall be maintained in a secure location so they cannot be easily used for unauthorized purposes.

21—68.47(192) Dairy plant, receiving station or transfer station records.

68.47(1) Records shall be kept at all plants where tankers are cleaned and sanitized.

68.47(2) The records shall be kept for at least 90 days.

68.47(3) The records shall include all of the following:

- a. The name and address of the facility where the tanker was cleaned and sanitized.
- b. The date on which the tanker was cleaned and sanitized.
- c. The legible name or initials of the person who cleaned and sanitized the tanker.

21—68.48(192) Milk hauler license required.

68.48(1) A person shall not engage in the activities of being a milk hauler without a valid milk hauler license.

68.48(2) The cost of a milk hauler license is \$10.

68.48(3) A milk hauler license obtained pursuant to this rule expires June 30 annually and is not transferable between persons.

68.48(4) As a condition of relicensing, a milk hauler license renewal applicant shall have had an on-the-farm evaluation of milk pickup procedures by a department inspector within two years immediately prior to relicensure and shall have attended a milk hauler school within three years immediately prior if a hauler school was made available within that three-year period.

68.48(5) If a milk hauler with a current license has had an on-the-farm evaluation within the last two years and has attended a state milk hauler training school within the last three years, a milk hauler renewal application and a return envelope will be mailed to the milk hauler in April annually by the dairy products control bureau office in Des Moines.

68.48(6) The department may take action against a person if the department determines that the person has engaged in activities requiring a milk hauler license without a valid milk hauler license or has procured another person to operate without a license.

21—68.49(192) New milk hauler license applicant.

68.49(1) The department may issue a 45-day interim license to a new applicant for a milk hauler license if the department determines that the new applicant has been trained by an industry field person who holds a milk hauler license.

68.49(2) An application for an interim license may be made by calling the dairy products control bureau office in Des Moines at (515)281-3545 and requesting the interim li-

cense and the Milk Hauler's Manual. The applicant shall give the name of the person who has provided the training and the telephone number where that person can be reached for verification. The license may be issued after verification of the training and verification of the trainer's license.

68.49(3) The cost of the interim license is \$10 and will be used for the payment of the regular milk hauler license upon approval by the department.

68.49(4) An application form for the regular milk hauler license will be sent with the interim license. During the 45-day interim period, in order to receive a regular milk hauler license, the applicant shall do both of the following:

a. Pass a written examination based upon the Milk Hauler's Manual, given by a department inspector.

b. Pass a written, on-the-farm evaluation of milk pickup procedures by a department inspector on a "Bulk Milk Pickup Tanker, Hauler Report and Sampler Evaluation Form" that was filled out by the department inspector at the time of the evaluation. This form shall be sent to the Des Moines office with the completed application and the \$10 license fee (if the fee has not been paid).

68.49(5) The department shall grant or deny a license application within the 45-day interim period.

68.49(6) The department shall not issue a milk hauler license if court action is in progress against the applicant for operating without an interim or regular license.

21—68.50(192) Supplies required for milk collection and sampling. A milk hauler who collects milk in bulk from a dairy farm shall have all of the following supplies available:

1. An adequate supply of sample containers.
2. A sample dipper.
3. A sample dipper storage container.
4. A sanitizing solution in the sample dipper storage container of 100 ppm of chlorine or equivalent.
5. An insulated carrying case with a rack to hold samples.
6. A certified thermometer, accurate to plus or minus 2° F, that can be used to check the temperature of the milk in the farm bulk tank, the accuracy of the farm bulk tank thermometers and the temperature of the commingled load.
7. A marking device to identify samples collected.
8. A watch or timing device.
9. An adequate supply of forms needed for milk collection and records.
10. A writing device to write on the forms and records.
11. Access to an adequate supply of single-service paper towels.

21—68.51(192) Milk hauler sanitization.

1. A milk hauler shall wear clean clothing.
2. A milk hauler shall maintain a high degree of personal cleanliness.
3. A milk hauler shall observe good hygienic practices.
4. A milk hauler shall not measure, sample or collect milk if the hauler has a discharging or infected wound or lesion on the hauler's hands or exposed arms.

21—68.52(192) Examining milk by sight and smell.

68.52(1) Before a milk hauler receives or collects milk from a dairy farm, the hauler shall examine the milk by sight and smell and shall reject all milk that has any of the following characteristics:

1. Objectionable odor.
2. Abnormal appearance and consistency.
3. Visible adulteration.

68.52(2) A milk hauler who rejects milk from a farm shall collect only a sample of the rejected milk.

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

68.52(3) If a dairy farmer disputes a milk hauler's rejection of the milk, the milk hauler shall contact the operator of the dairy plant to which the milk would ordinarily be delivered, and the plant operator or the plant field person shall examine the rejected milk to determine whether the milk was properly rejected.

21—68.53(192) Milk hauler hand washing. A milk hauler shall wash and dry hands before performing any of the following:

1. Using a thermometer.
2. Measuring the milk.
3. Collecting a milk sample.

21—68.54(192) Milk temperature.

68.54(1) Before a milk hauler collects milk at a dairy farm, the milk hauler shall record the temperature of the milk to be collected.

68.54(2) If the milk is collected more than two hours after the last milking, the milk hauler shall reject the milk if the milk temperature exceeds 45°F or 7°C.

68.54(3) If milk from two or more milkings is collected within two hours of the last milking, the milk hauler shall reject the milk if the milk temperature exceeds 50°F or 10°C.

68.54(4) If the farm bulk tank thermometer is working, at least once each month, and more often if necessary, a milk hauler shall check the accuracy of each dairy farm bulk tank thermometer by taking the temperature of the milk in the bulk tank with the milk hauler's thermometer and shall record the temperature on the milk pickup record card. This procedure shall be done at every pickup if the farm bulk tank thermometer is not working.

68.54(5) Before a milk hauler uses the milk hauler's thermometer to take the temperature of the milk in a bulk tank, the hauler shall sanitize the stem of the thermometer in 100 ppm chlorine or its equivalent for a minimum of 30 seconds.

68.54(6) A milk hauler shall immediately notify the milk producer and the dairy field person if the dairy farm bulk tank is not cooling properly or if the bulk tank thermometer is not recording the temperatures accurately.

21—68.55(192) Connecting the milk hose.

68.55(1) Before the milk hauler connects a tanker hose to a bulk tank, the hauler shall examine the fittings of the tanker hose and the bulk tank outlet and shall clean and sanitize as necessary.

68.55(2) The milk hauler shall attach the milk hose to the bulk tank outlet in a manner that does not contaminate the hose or the hose cap.

68.55(3) The hose shall be connected through the milk room hose port.

21—68.56(192) Measuring the milk in the bulk tank.

68.56(1) Before milk is transferred from a bulk tank to a bulk milk tanker, the milk hauler shall measure the amount of milk in the bulk tank.

68.56(2) The milk hauler shall measure the milk using a clean gauge rod or other measuring device that is specifically designed and calibrated to measure milk in the bulk tank.

68.56(3) Immediately before using the gauge rod or measuring device, the milk hauler shall wipe it dry with a clean, single-service disposable towel.

68.56(4) A milk hauler shall not measure the amount of milk in a dairy farm bulk tank until the milk in the tank is motionless.

68.56(5) If the milk is being agitated, the milk hauler shall turn off the agitator and wait for the milk to become completely motionless before measuring the milk.

68.56(6) After measuring the milk with a gauge rod or other device, the milk hauler shall use that measurement to calculate the weight or volume of milk in the bulk tank with the manufacturer's conversion chart.

68.56(7) The milk hauler shall record that weight or volume on a written collection record.

21—68.57(192) Milk sample for testing.

68.57(1) Before milk is transferred from a dairy farm bulk tank to a bulk milk tanker, a milk hauler shall collect a representative sample of that milk from the dairy farm bulk tank for testing. If there is more than one bulk tank, a sample from each tank shall be taken and identified.

68.57(2) The collected sample shall be filled only ¾ full in the sample container so that the sample can be agitated in the lab.

21—68.58(192) Milk collection record.

68.58(1) Whenever a milk hauler collects a milk shipment from a dairy farm, the milk hauler shall make a written record for that shipment.

68.58(2) One copy of the collection record shall be posted in a dairy farm milk room.

68.58(3) The collection record shall be initialed by the milk hauler.

68.58(4) The record shall include all of the following:

1. The milk producer identification number.
2. The milk hauler's initials.
3. The date when the milk was sampled and collected.
4. The temperature of the milk when collected.
5. The weight or volume of milk collected as determined by the milk hauler.

21—68.59(192) Loading the milk from the bulk tank to the milk tanker.

68.59(1) After a milk hauler has sampled milk from the dairy farm bulk tank and prepared a complete collection record, the hauler may transfer the milk from that bulk tank to the milk tanker.

68.59(2) A milk hauler shall not collect milk from any other container on a dairy farm other than from a bulk tank.

68.59(3) Partial pickup of milk shall be avoided whenever possible.

68.59(4) After a milk hauler has collected all of the milk from a bulk tank, the milk hauler shall disconnect the milk hose from the bulk tank, cap the hose and return the hose to its cabinet in the bulk milk tanker.

68.59(5) The milk hauler shall inspect the empty dairy farm bulk tank for abnormal sediments and shall report any abnormal sediments to the dairy producer and the dairy plant field person.

68.59(6) After the milk hauler has disconnected the milk hose and inspected the empty farm bulk tank for abnormal sediments, the milk hauler shall rinse the bulk tank with cold or lukewarm water unless the bulk tank is self-cleaning and includes a pre-rinse cycle as part of the self-cleaning process.

21—68.60(192) Milk samples required for testing.

68.60(1) The milk hauler shall collect a sample of milk from each dairy farm bulk tank before that milk is transferred to a bulk milk tanker.

68.60(2) A milk sample collected from a dairy farm bulk tank shall not be commingled with a sample collected from any other bulk tank.

21—68.61(192) Bulk milk sampling procedures. A milk hauler shall comply with all of the following procedures when collecting a milk sample:

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

1. Shall collect the sample after the bulk tank milk has been thoroughly agitated.

2. Shall agitate a bulk tank of less than a 1000 gallon size, in the presence of the milk hauler, for at least five minutes before the milk sample is taken.

3. Shall agitate a bulk tank of a 1000 gallon size or larger, in the presence of the milk hauler, for at least ten minutes before the milk sample is taken. If there are stamped printed instructions on the bulk tank, giving explicit agitation instructions that are different from ten minutes, the bulk tank shall then be agitated according to the written instructions.

4. Shall collect the sample using a sanitized sample dipper that is manufactured for the purpose of taking a milk sample from a bulk tank. The milk hauler shall not use the sample container to collect a milk sample.

5. Shall rinse the sanitized sample dipper in the milk, in the bulk tank, at least two times before the dipper is used to collect the sample.

6. After rinsing the sample dipper in the milk, shall pour the sample from the dipper into a sample container until the sample container is $\frac{3}{4}$ full and shall securely close the sample container.

7. Shall not fill the sample container over the bulk tank, but shall fill the sample container off to the side of the bulk tank, over the floor of the milk room.

8. Shall handle the sample container and cap aseptically.

9. After collecting the milk sample, shall immediately place the sample on a rack or floater, on ice in the insulated sample container, and rinse the sample dipper with clean potable water.

21—68.62(192) Temperature control sample.

68.62(1) The milk hauler shall collect two milk samples at the first farm on each milk route.

68.62(2) One of the two samples collected from the first farm shall be used for a temperature control (TC) sample.

68.62(3) The temperature control (TC) sample shall remain in the rack with the other samples pertaining to that load.

68.62(4) The temperature control (TC) sample container shall be marked in a legible manner identifying the sample as the TC sample and shall also be marked with the other following information:

1. The producer identification number.
2. The initials of the milk hauler.
3. The date the sample was collected.
4. The time the sample was collected.

5. The temperature of the milk in the farm bulk tank from which the TC sample was collected.

21—68.63(192) Producer sample identification. Immediately before a milk hauler collects a milk sample, but before the milk hauler opens the sample container, the milk hauler shall, unless that sample container is pre-labeled with the producer information, clearly and indelibly label the sample container with all of the following information:

1. The producer identification number.
2. The date when the sample was collected.
3. The temperature of the milk in the bulk tank.

21—68.64(192) Care and delivery of producer milk samples.

68.64(1) Immediately after a milk hauler collects a milk sample, the milk hauler shall place the sample container in a clean, refrigerated carrying case in which the temperature is kept at from 32°F to 40°F.

68.64(2) If the sample containers are packed in ice or cold water to keep the samples refrigerated, the ice or water shall cover no more than $\frac{3}{4}$ of each sample container.

68.64(3) The milk hauler shall promptly deliver the samples to the place designated by the milk purchaser.

21—68.65(192) Milk sample carrying case. The carrying case shall be constructed to have all of the following characteristics:

1. Shall be constructed of rigid metal or plastic.
2. Shall be effectively insulated and refrigerated to keep the samples at the required temperature.
3. Shall have a rack or floater designed to hold samples in the upright position.

21—68.66(192) Bulk milk delivery.

68.66(1) If milk is unloaded or transferred at any location other than a licensed facility, the person having custody of the milk shall notify the department of that unloading or transfer before that milk is processed or shipped to any other location.

68.66(2) Air entering a bulk milk tanker when the tanker is unloading shall be filtered to prevent contamination of the milk.

21—68.67(192) False samples or records. The department may take enforcement action against a person doing or conspiring to do any of the following:

1. Falsely identify any milk sample.
2. Submit a false or manipulated milk sample.
3. Submit a milk sample collected in violation of this chapter.
4. Misrepresent the amount of milk collected from a dairy farm.
5. Misrepresent or falsify any record or report required under this chapter.

21—68.68(192) Violations prompting immediate suspension. A person violating any of the following shall have the person's milk hauler license suspended for the first full five weekdays following the violation. Administering the violation in this manner will allow a licensed field person to ride with a suspended milk hauler and to perform all of the bulk milk pickup procedures which the suspended milk hauler shall not perform while the license is suspended. This rule will also allow a dairy co-op or a proprietary establishment the ability to recover the cost of the field person employed by the business establishment while the employee is working with the suspended milk hauler.

1. 68.43(1) and 68.43(2). Cleaned bulk milk tanker and accessories.
2. 68.44(192). Sanitized bulk milk tanker and accessories.
3. 68.50(192). Bulk milk hauling supplies.
4. 68.56(1) and 68.56(4) to 68.56(7). Measuring the milk in the bulk tank.
5. 68.57(1). Collecting a milk sample from a bulk tank.
6. 68.58(1) to 68.58(4). Milk collection record.
7. 68.59(2) and 68.59(3). Loading bulk tank milk.
8. 68.60(1) and 68.60(2). Milk samples required for testing.
9. 68.61“1” to “9.” Bulk milk sampling procedures.
10. 68.63“1” to “3.” Producer sample identification.
11. 68.64(1) and 68.64(2). Care of samples.
12. 68.67“1” to “5.” False samples or records.

21—68.69(192) Milk grader license required.

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

68.69(1) A person shall not be employed as a dairy field person or a milk intake person and shall not collect a raw milk sample from a farm bulk tank or collect a load sample from a bulk milk tanker in Iowa without first being evaluated by a department dairy inspector and making application for a milk grader license. A milk grader license will not be needed by a temporary milk plant intake person that is under the direct supervision of a licensed milk grader.

68.69(2) The department may take an enforcement action against a person engaged in activities of a dairy field person or milk intake person or a person collecting milk samples from a farm bulk tank or from a bulk milk tanker if the department determines that the applicant has engaged in such activities without first obtaining a valid Iowa milk grader license or a valid 45-day interim license or has procured another person to operate without a license.

68.69(3) The cost of a milk grader license is \$10.

68.69(4) A milk grader license obtained pursuant to this rule expires June 30 annually and is not transferable between persons.

68.69(5) As a condition of relicensing:

a. A milk grader license renewal applicant for collecting a milk sample from a farm bulk tank shall have had an on-the-farm evaluation of milk collecting and care of milk sample procedures by a department inspector within two years immediately prior to relicensure and shall have attended a milk hauler school within three years immediately prior to relicensure, if a hauler school was made available within that three-year period.

b. A milk grader license renewal applicant for collecting a milk sample from a bulk milk tanker at a milk plant shall have had an in-the-plant evaluation of milk collecting procedures by a department inspector within the last two years prior to relicensure.

c. If the milk grader has had an evaluation within the last two years and, if required, has attended a milk hauler training school within the last three years, a milk grader renewal application and a return envelope will be mailed annually in April to the milk grader by the dairy products control bureau office in Des Moines.

21—68.70(192) New milk grader license applicant.

68.70(1) The department may issue a 45-day interim license to a new applicant for a milk grader license if the department determines that the new applicant has been trained by a licensed milk grader.

68.70(2) An applicant for a milk grader license to collect a milk sample from a farm bulk tank shall follow the procedures outlined in subrules 68.49(2) to 68.49(4).

68.70(3) An applicant for a milk grader license to collect a milk sample from a bulk milk tanker at a milk plant shall contact the dairy products control bureau office in Des Moines, telephone (515)281-3545, and request a sampling procedure review by a department inspector and a milk grader application.

The inspector will fill out "Inspection Form Short Form 009-0293/TS" for verification of the sampling procedure review and give a signed copy to the applicant. The applicant shall mail the signed copy, the completed application and the \$10 license fee to the dairy products control bureau office for a "Restricted Milk Grader License."

21—68.71(192,194) Can milk truck body.

68.71(1) A can milk truck body used for the purpose of picking up milk in milk cans from dairy farms for delivery to a milk plant shall not operate in the state of Iowa without first being issued a valid license from the department. This rule is

intended to include can milk truck bodies that are commercially licensed in Iowa.

68.71(2) The can milk truck body vehicle license applicant shall include a description of the body, the make, model, year and color of the truck, a description of the can milk truck body, including the make, serial number, can capacity and the address at which the can milk truck body is customarily kept when not being used. The applicant shall also furnish any other information which the department reasonably requires for identification and licensing.

68.71(3) A license pursuant to this rule expires June 30 annually and is not transferable between truck bodies.

68.71(4) The department may take enforcement action against a person operating a can milk truck body if the department determines that the person has operated without a license or a person has procured another person to operate without a license.

68.71(5) The cost of the can milk truck body license is \$25 per year.

68.71(6) The applicant shall have received an annual inspection by a department inspector and shall make the vehicle available for inspection prior to receiving the license.

These rules are intended to implement Iowa Code chapter 192.

[Filed 1/9/98, effective 3/4/98]

[Published 1/28/98]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/28/98.

ARC 7788A

**REVENUE AND FINANCE
DEPARTMENT[701]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14, 422.68, and 450.3, the Iowa Department of Revenue and Finance hereby adopts amendments to Chapter 89, "Fiduciary Income Tax," Iowa Administrative Code.

Notice of Intended Action was published in IAB, Volume XX, Number 12, on December 3, 1997, page 1092, as **ARC 7699A**.

Amendments to 701—subrule 89.8(8), paragraphs "j" and "m," are made in order to clarify that effective for tax years of estates or trusts beginning after August 5, 1997, distributions made within 65 days of the close of the tax year for an estate or trust are to be treated as if the distributions were made during the taxable year of the estate or trust. In addition, these amendments are also made to eliminate the reference to the repealed federal throwback provisions found in 26 U.S.C. Sections 665 through 668, effective for tax years of estates or trusts beginning after August 5, 1997. Both of these amendments are made to implement changes made to Internal Revenue Code provisions by virtue of the Taxpayer Relief Act of 1997.

These amendments are identical to those published under Notice of Intended Action. These amendments will become effective March 4, 1998, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code sections 422.5 to 422.9 and the Taxpayer Relief Act of 1997.

The following amendments are adopted.

REVENUE AND FINANCE DEPARTMENT[701](cont'd)

ITEM 1. Amend subrule **89.8(8)**, paragraph “j,” first unnumbered paragraph, as follows:

The distribution deduction allowed is limited to the distributable net income of the estate or trust for the taxable year. *Estates and trusts with tax years beginning on or after August 5, 1997, may elect to treat distributions made within 65 days of the end of the tax year as having been made in the tax year of the estate or trust.* If amounts in excess of distributable net income are distributed to a beneficiary of a decedent's estate, the excess does not constitute taxable income to the beneficiary. Distributions made to a beneficiary of a complex trust in excess of the distributable net income for the taxable year may or may not be includable in the beneficiary's taxable income depending on whether the excess distribution is governed by the throwback distribution rules under 26 U.S.C. Sections 665 through 668. *Effective for distributions made by domestic trusts in tax years beginning after August 5, 1997, there is a repeal of the throwback rules found in 26 U.S.C. Sections 665 through 668. However, the repeal of the throwback rules does not apply to trusts created before March 1, 1984, foreign trusts, or domestic trusts that were once treated as foreign trusts, except as provided by federal regulations.*

ITEM 2. Amend subrule **89.8(8)**, paragraph “m,” as follows:

m. The Iowa throwback rule. Iowa Code section 422.6 allows a trust beneficiary receiving an accumulation distribution subject to the throwback rules under 26 U.S.C. Sections 665 through 668 a credit against the beneficiary's income tax liability for the Iowa income tax paid by the trust on the accumulated income distributed. The Iowa income tax paid by the trust on the accumulated income distributed is deemed distributed to the trust beneficiary, without interest, and is a credit for the year of distribution against the portion of the Iowa income tax liability of the beneficiary which is attributable to the accumulated distribution. The accumulated distribution must be adjusted by the beneficiary to reflect income subject to Iowa income tax. No refund is allowed the trust for the Iowa income tax deemed distributed to the beneficiary. The beneficiary is not allowed a refund if the tax distributed is in excess of the income tax liability attributable to the distribution. *Effective for distributions made by domestic trusts in tax years beginning after August 5, 1997, there is a repeal of the throwback rules found in 26 U.S.C. Sections 665 through 668. However, the repeal of the throwback rules does not apply to trusts created before March 1, 1984, foreign trusts, or domestic trusts that were once treated as foreign trusts, except as provided by federal regulations.*

[Filed 1/9/98, effective 3/4/98]

[Published 1/28/98]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/28/98.

ARC 7782A

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.4, 476.1, 476.2, 476.3, and 476.102 and the Telecommunications Act of 1996, 47 U.S.C. Sections 214 and 254, the Utilities Board (Board) gives notice that on January 8, 1998, the

Board issued an order in Docket No. RMU-97-10, In re: Universal Service—Eligible Carriers, “Order Adopting Rules” to adopt rules 39.1(476) and 39.2(476).

On September 5, 1997, in a companion rule-making proceeding, identified as Docket No. RMU-97-9, these rules were Adopted and Filed Emergency by the Board. The Emergency rules were published in IAB Vol. XX, No. 7 (9/24/97), p. 650 as **ARC 7539A**. The rules became effective on September 5, 1997. The purpose of Docket No. RMU-97-10 in which the Notice of Intended Action was issued was to solicit public comment on those Emergency rules. The Notice for that purpose was published simultaneously on page 648 as **ARC 7538A**.

On October 14, 1997, AT&T Communications of the Midwest, Inc., GTE Midwest Incorporated, MCI Telecommunications Corporation (MCI), the Consumer Advocate Division of the Department of Justice, the Rural Iowa Independent Telephone Association (RIITA), Sprint Spectrum L.P., and U S West Communications, Inc., filed comments. An oral presentation was held on November 4, 1997. All parties filing comments appeared, except MCI.

The Board's rules were written to conform with federal rules that outline the requirements for carriers to receive universal service funding. The purpose of these rules, effective on September 5, 1997, is to implement the Telecommunications Act of 1996 and the Federal Communications Commission's (FCC) Universal Service “Report and Order” in CC Docket No. 96-45, released May 8, 1997. In order for a telecommunication company to receive funding from the federal USF, the company must be designated an eligible carrier by the Board. The Board must determine that the carrier meets the following requirements to be designated an eligible carrier: (1) offer the services supported by the federal USF; (2) offer the services using its own facilities or a combination of its own facilities and resale; (3) advertise the availability of the supported services; and (4) offer the services throughout its designated service area.

These rules list the services supported by the federal USF verbatim from the federal rules. The Telecommunications Act gives authority to the FCC to determine the services supported by the USF. The rules also include the provisions for granting additional time for required service upgrades as described in the FCC order.

Under the Act, state commissions designate eligible carriers who can receive federal universal service support. An eligible carrier must offer the services using its own facilities or a combination of its own facilities and resale of another carrier's services. Even though this is an area left to the states, the FCC in its USF order determined the criteria to meet the facilities requirement in the Act. Iowa has appealed this area of the FCC USF order. However, since a stay is not in effect, proposed subrule 39.2(3) follows the FCC's interpretation of “own facilities.”

The Act states that a carrier must advertise its supported services. The Board has included a minimum requirement for advertising. The Board also has the responsibility to designate the serving area where the company must serve to receive universal service support. The rules require the service area to be the area approved for local service. The rules also set forth a form for carriers to file to request designation for eligible carrier status.

RIITA requested a concise statement of the reasons for and against the rule, pursuant to Iowa Code section 17A.4(1)“b.” Most of the proposed changes to the rule would involve modifications to policy choices already made by the FCC. The universal service program in Iowa is a federal program and the Board's rules are designed to qualify

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without question for federal funding. Therefore, the Board did not adopt the proposed changes. More specifically, RIITA sought a rule that the advertising requirement could be satisfied by publication of the program in the telephone directory. While such publication may be beneficial, the Board believes that advertising at least annually in a publication of general circulation throughout the approved service area will better satisfy the advertising requirement in 47 U.S.C. Section 214(e)(1)(B).

These rules are identical to those published under Notice of Intended Action.

These rules shall become effective March 4, 1998, at which time the Adopted and Filed Emergency Rules are hereby rescinded.

These rules are intended to implement Iowa Code section 476.102 and 47 U.S.C. Sections 214 and 254.

The following rules are adopted.

Adopt rules 199—39.1(476) and 199—39.2(476) as follows:

***199—39.1(476) Definition of terms.** For the purposes of Universal Service Fund requirements, the following definitions apply:

“Eligible telecommunications carrier” or “eligible carrier” means a carrier designated by the board as eligible to receive universal service support pursuant to 47 U.S.C. Section 214(e).

“Facilities” means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for Universal Service Fund support.

199—39.2(476) Eligible carrier requirements.

39.2(1) Services required. Each eligible telecommunications carrier must offer the services supported by the federal Universal Service Fund throughout the approved service area. These services are:

a. Voice grade access to the public switched network. “Voice grade access” is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For purposes of universal service, voice grade access shall occur within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz;

b. Local usage. “Local usage” means an amount of minutes of use of exchange service, prescribed by the Federal Communications Commission, provided free of charge to end users;

c. Dual tone multifrequency signaling or its functional equivalent. “Dual tone multifrequency (DTMF)” is a method of signaling that facilitates the transportation of signaling through the network, shortening call setup time;

d. Single-party service or its functional equivalent. “Single-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user’s particular transmission;

*ARC 7732A, IAB 12/31/97, adopted three definitions not printed herein.

e. Access to emergency services. “Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. “911” is defined as a service that permits a telecommunications user, by dialing the three-digit code 911, to call emergency services through a Public Service Access Point (PSAP) operated by the local government. “Enhanced 911” is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. “Access to emergency services” includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems;

f. Access to operator services. “Access to operator services” is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;

g. Access to interexchange service. “Access to interexchange service” is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier’s network;

h. Access to directory assistance. “Access to directory assistance” is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and

i. Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers includes toll blocking and toll control.

39.2(2) Additional time to complete network upgrades. The board may grant the petition of a telecommunications carrier, otherwise eligible to receive universal service support, requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive support for the duration of the period designated by the board. The board will grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period will extend only as long as the board finds that exceptional circumstances exist and will not extend beyond the time that the board deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the board that exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

39.2(3) Carrier eligibility requirements. In addition to providing the services required in 39.2(1), each eligible carrier must:

a. Offer the services required using its own facilities or a combination of its own facilities and resale of another carrier’s services. “Own facilities” includes unbundled network elements, in whole or in part. A carrier cannot qualify by providing all of the required services via resale.

b. Advertise the availability of the required services and the charges for the services using media of general distribution to residential customers. Carrier must advertise at least

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annually, in a publication of general circulation, throughout its approved service area.

39.2(4) Determination of eligibility. Eligibility to receive support from the Universal Service Fund must be obtained from the board. To be designated an eligible carrier, a carrier must file a request using the form that appears in this subrule.

IOWA DEPARTMENT OF COMMERCE UTILITIES BOARD REQUEST FOR UNIVERSAL SERVICE ELIGIBLE CARRIER STATUS IN IOWA This form is to be completed by the petitioning Carrier and returned to the Board. This form is intended to enable compliance with 199 IAC 39.2(4).
--

1. FULL NAME OF CARRIER PROVIDING SERVICE IN IOWA:

CARRIER MAILING ADDRESS:

NAME, TITLE AND TELEPHONE NUMBER OF CONTACT PERSON:

____ CHECK HERE IF CARRIER HEREBY CERTIFIES THAT IT OFFERS THE SERVICES DESIGNATED FOR UNIVERSAL SUPPORT AS LISTED AND DEFINED IN 199 IAC 39.2(1).

____ CHECK HERE IF CARRIER SEEKS ADDITIONAL TIME TO COMPLETE NETWORK UPGRADES UNDER THE PROVISIONS OF 199 IAC 39.2(2). THE CARRIER PETITION FOR ADDITIONAL TIME SHOULD BE INCLUDED AS AN ATTACHMENT TO THIS FORM. CARRIER CERTIFIES THAT IT OFFERS THE SERVICES LISTED IN 199 IAC 39.2(1) OTHER THAN THOSE FOR WHICH ADDITIONAL TIME IS SOUGHT.

2. CARRIER USES ITS OWN FACILITIES TO PROVIDE SERVICES SUPPORTED BY UNIVERSAL SERVICE FUND OR PROVIDES THE SERVICES BY A COMBINATION OF ITS OWN FACILITIES AND RESALE OF ANOTHER CARRIER'S SERVICE(S). "OWN FACILITIES" IS DEFINED IN 199 IAC 39.2(3)"a."

3. CARRIER WILL ADVERTISE AT LEAST ANNUALLY THE AVAILABILITY OF SERVICES DESIGNATED FOR UNIVERSAL SERVICE SUPPORT AND THE CHARGES THEREFOR USING MEDIA OF GENERAL DISTRIBUTION.

4. ____ CHECK HERE IF CARRIER IS NOT CURRENTLY APPROVED TO PROVIDE LOCAL SERVICE. IF CHECKED, PLEASE INCLUDE WITH THE FILING OF THIS REQUEST DOCUMENTATION SHOWING YOUR SERVICE AREA.

ATTESTATION

I, _____, certify that I am the company officer responsible for this request, that I have examined the foregoing request, and that to the best of my knowledge, information, and belief all statements of fact contained in the request are correct statements of the business and affairs of the applicant with respect to each and every matter set forth.

Dated ___/___/___

Telephone Number (____)____-____

SIGNATURE _____

39.2(5) Area served.

a. Unless otherwise ordered by the board, the approved service area for Universal Service Fund support calculations will be the same as the service area currently approved for local service by the board. Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

b. In the case of a service area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the states, after taking into account recommendations of a Federal-State Joint Board instituted under Section 410(c) of the Act, establish a different definition of service area for such company.

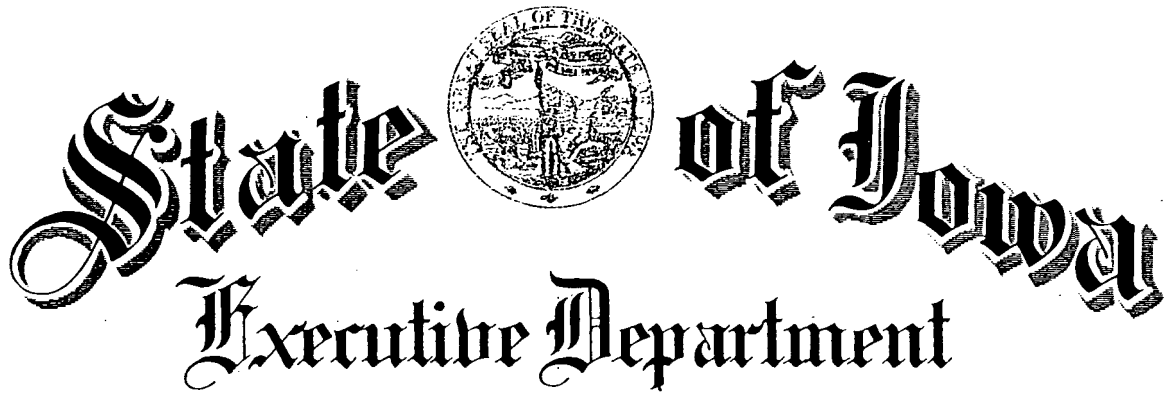
39.2(6) Location of facilities. The facilities providing the services supported by the universal fund need not be physically located in the area served.

These rules are intended to implement Iowa Code section 476.102 and the Telecommunications Act of 1996, 47 U.S.C. Sections 214 and 254.

[Filed 1/8/98, effective 3/4/98]

[Published 1/28/98]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/28/98.



IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER 62

- WHEREAS,** natural and technological disasters are an ever present and continuing threat to the people of the State of Iowa; and
- WHEREAS,** these disasters can cause substantial losses to the citizens of the state, in both lives and property; and
- WHEREAS,** through effective, planned response by state and local governments, the destructive nature of these disasters can be mitigated; and
- WHEREAS,** an effective statewide Hazard Mitigation Program must be centrally orchestrated, involving all levels of government; and
- WHEREAS,** government officials must continually strive to promote Hazard Mitigation, and develop cost reducing initiatives; and
- WHEREAS,** Executive Order Number 39 was enacted on September 12, 1990, creating the Iowa Hazard Mitigation Team and Executive Order Number 54 was enacted on December 23, 1994, revising the composition of the team.
- NOW, THEREFORE,** I, Terry E. Branstad, Governor of the State of Iowa, by the virtue of the authority vested in me by the Laws and Constitution of the State of Iowa, and in accordance with the provisions of Chapter 29C, Code of Iowa, do hereby order that:
- I. Executive Order Number 54 be rescinded and replaced with Executive Order Number 62.

- II. There shall be created a Primary Iowa Hazard Mitigation Team whose membership shall include representatives from the following state agencies, who shall participate in all Hazard Mitigation Team activities.
 - A. Department of Natural Resources
 - B. Department of Transportation
 - C. Department of Economic Development
 - D. Department of Cultural Affairs
 - E. Department of Public Safety
 - F. Department of Public Defense-Emergency Management Division

- III. There will be created a Secondary Iowa Hazard Mitigation Team whose membership shall include representatives from the following state agencies, who shall be called upon on an as-needed basis to provide information and assistance to the Primary Iowa Hazard Mitigation Team.
 - A. Department of General Services
 - B. Department of Public Health
 - C. Department of Agriculture & Land Stewardship
 - D. Department of Commerce
 - E. Department of Management
 - F. Department of Revenue & Finance
 - G. Department of Education
 - H. Department of Justice
 - I. Department of Workforce Development
 - J. Governor's Office

- IV. I do hereby declare that other state agencies will participate on the Hazard Mitigation Team on an as-needed basis, as requested by the Iowa Emergency Management Division; and

- V. I do hereby authorize the head of each agency to delegate the participation on the Hazard Mitigation Team assigned to him/her; and

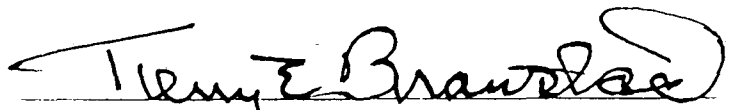
- VI. I do hereby authorize the Hazard Mitigation Team to request participation by local governments, federal government, and private industry, as needed, and

VII. I do hereby decree the following as specific responsibilities of the Hazard Mitigation Team:

- A. Determine the capabilities of each state agency to address various hazards, including the legal authority of each agency and the programs and funding sources available to address mitigation activities; and
- B. Provide assistance to the Emergency Management Division to develop, implement, and update the State Multi-Hazard Mitigation Plan; and
- C. Coordinate activities of state agencies to reduce the loss of life and property, and costs of disaster; and
- D. Recommend methods to improve mitigation, activities of state agencies, local governments, federal government and private industry; and
- E. Finally, I do hereby also decree that the Hazard Mitigation Team may assume additional responsibilities in the area of Hazard Mitigation not specified heretofore.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 9th day of January in the year of our Lord one thousand nine hundred and ninety-eight.


GOVERNOR

ATTEST:


SECRETARY OF STATE



IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION

WHEREAS, the Office of State Senator from the Eighth Senate District, consisting of the following areas (Fifteenth and Sixteenth Representative Districts):

- A. The fifteenth representative district shall consist of:
 - a. Humboldt County,
 - b. That portion of Kossuth County not contained in the eighth representative district.
- B. The sixteenth representative district shall consist of:
 - a. Winnebago County,
 - b. Hancock County,
 - c. In Wright County, Boone, Norway and Belmond Townships, and the City of Belmond.

has become vacant by the reason of the resignation of Senator James Black.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, by virtue of the authority vested in me by law do hereby proclaim and direct that a special election to fill said vacancy shall be held within said District on

TUESDAY, THE THIRD DAY OF FEBRUARY, 1998, A.D.

WHEREFORE, all electors within said Eighth Senate District will take due notice and the County Commissioner of Elections of said county will take official notice as provided in Chapter 39, Code of Iowa, 1997.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this eighth day of January in the year of our Lord one thousand nine hundred ninety-eight.

Terry E. Branstad
GOVERNOR

ATTEST:

Paul D. Pate
SECRETARY OF STATE

SUMMARY OF OPINIONS OF THE ATTORNEY GENERAL*THOMAS J. MILLER****October through December, 1997****HIGHWAYS; EMINENT DOMAIN; STATE OFFICERS AND DEPARTMENTS**

Sale of unneeded right-of-way. Iowa Code § 306.23 (1997); 1997 Iowa Acts, ch. __; S.F. 432, 77th G.A., 2d Sess. (1997). When the DOT seeks to dispose of right-of-way unneeded for constructing or improving a primary road, Senate File 432 (1997) requires the DOT to offer a last previous owner the opportunity to buy back just the particular piece of land it acquired from that owner through condemnation or purchase, less that portion of the land, if any, retained for right-of-way. Senate File 432 takes precedence over any inconsistent administrative rule. (Kempkes to Murphy, State Representative, 11-4-97) #97-11-1

PUBLIC RECORDS; CITIES; PUBLIC UTILITIES

Public access to water usage information generated by municipal water utility. Iowa Code § 22.1, 22.2, 22.7 (1997). A city clerk's office, as part of city government, is a "government body" for purposes of Iowa Code chapter 22 (1997), the Public Records Law. A municipal water utility's records on its customers' water usage are "public records" for purposes of chapter 22. A city could reasonably find that disclosure of those records serves a public purpose; if so, they would not be exempt from disclosure under section 22.7(6) as "[r]eports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose." (Kempkes to Koenigs, State Representative, 10-22-97) #97-10-1(L)

REAL PROPERTY; HIGHWAYS; EASEMENTS

Effect of defective notice of secondary road vacation proceedings. Iowa Code §§ 306.10, 306.12 (1975). Marketability of title to privately owned real estate is not affected by a county's failure to comply with statutory notice procedures when vacating a road and relinquishing its easement approximately twenty years in the past. Therefore, the county does not have any duty to cure alleged defects in title to privately owned real estate resulting from irregularities in the road vacation proceeding. (Smith to White, Lyon County Attorney, 11-4-97) #97-11-2(L)

STATE OFFICERS AND DEPARTMENTS; LAW ENFORCEMENT

English-speaking interpreters. Iowa Code §§ 622A.1, 622A.2, 622A.3, 811.2, 905.1, 905.2, 905.4, 905.5, 905.7, 905.8 (1997). The Iowa Department of Public Safety must pay the cost of interpretive services needed for a criminal investigation conducted by members of the Iowa State Highway Patrol that involves non-English speakers. The appropriate Judicial Department of Correctional Services must pay the cost of such services needed for conducting a pretrial release evaluation. (Kempkes to Poppen, Wright County Attorney, 12-30-97) #97-12-1(L)

1975 IOWA CODE**OPINION**

306.10

97-11-2(L)

306.12

97-11-2(L)

1997 IOWA CODE**OPINION**

22.1

97-10-1(L)

22.2

97-10-1(L)

22.7

97-10-1(L)

306.23

97-11-1

622A.1

97-12-1(L)

622A.2

97-12-1(L)

622A.3

97-12-1(L)

811.2

97-12-1(L)

905.1

97-12-1(L)

905.2

97-12-1(L)

905.4

97-12-1(L)

905.5

97-12-1(L)

905.7

97-12-1(L)

905.8

97-12-1(L)

1997 IOWA ACTS**OPINION**

ch. __, (S.F. 432)

97-11-1

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