

CORRECTIONS DEPARTMENT[201](cont'd)

ITEM 25. Amend subrule **51.13(6)**, paragraphs “**c**” and “**d**,” as follows:

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. *Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk.* The facility shall have a written suicide prevention plan. Essential elements of the plan shall include training to recognize the potential for suicide, communication between staff and appropriate housing and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person’s self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. *The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.*

ITEM 26. Amend subrule **51.13(7)**, paragraph “**b**,” as follows:

b. All prescription medicine shall be securely stored and inventory control practiced. *Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when the detainee is released.*

ITEM 27. Amend subrule **51.13(9)** as follows:

Amend paragraph “**a**,” subparagraph (3), as follows:

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). *All medication required to be “cool” or “refrigerated” shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.*

Amend paragraphs “**c**” and “**d**” as follows:

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee’s medical record. *The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the facility administrator or designee and by the witness.*

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to board of pharmacy examiners rule 657—subrule 23.12(5) 23.15(124,155A).

ITEM 28. Adopt **new** subrule 51.16(4) as follows:

51.16(4) Detaining non-U.S. citizens. When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

ITEM 29. Rescind subrule **51.18(3)** and renumber subrules **51.18(4)** and **51.18(5)** as **51.18(3)** and **51.18(4)**.

ITEM 30. Amend renumbered subrules 51.18(3) and 51.18(4) as follows:

51.18(3) The following information shall be made available to all detainees and explained to any detainee unable to read English:

a. and b. No change.

c. ~~A procedure for handling detainees’ grievances. A detainee grievance procedure which includes at least one level of appeal.~~

51.18(4) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or, to aid in escape, or interfere with the normal operation of the facility.

ITEM 31. Amend subrule **51.19(13)** by adopting the following **new** paragraph “**d**”:

d. The state jail inspection unit of the department of corrections shall be notified within 24 hours of any death, attempted suicide, fire, escape, injury to staff or detainees from assaults, use of force and prisoner self-injuries. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

ARC 4504B

ENVIRONMENTAL PROTECTION COMMISSION[567]

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 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

The proposed amendments will:

- Eliminate the exceptions of the design low flow requirement.
- Revise the general use classification.
- Designate as Class B(WW-1) Warm Water – Type 1 all of Iowa’s perennial rivers and streams and intermittent streams with perennial pools that are not currently designated. (For more information about the Class B(WW-1) use designation, see **ARC 4505B** published herein.)
- Designate as Class A1 – Primary Contact Recreational Use all of Iowa’s perennial rivers and streams and intermittent streams with perennial pools.

Iowa’s current general use classification applies to all waters of the state. The current definition of general use segments allows stream flows resulting from wastewater treatment plants to be considered as general use segments. This implies general use streams can be classified solely on their origin of flow, which is inconsistent with federal regulations. In addition, protection of aquatic life against acutely toxic conditions within general use waters only during periods of elevated flow is also inconsistent with federal regulations. Protection from acutely toxic conditions should occur in all waters and at all times.

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The proposed amendments will strike the language that allows discharges from wastewater treatment plants to be considered as general use segments and the language that provides protection in general use segments only at elevated flows.

The current use of the exceptions to the design low flow concept, known commonly as the protected flow concept, in conjunction with the implementation of Iowa's Water Quality Standards for Iowa's streams has not been demonstrated to protect aquatic life uses under critical low flow conditions and is thus considered inconsistent with EPA guidelines. The removal of the protected flow concept will more adequately protect aquatic life because the standard design low stream flows (1Q₁₀, 7Q₁₀ and 30Q₁₀) will be associated with the implementation of the numerical criteria.

These proposed amendments will eliminate the language that allows exceptions to the design low flow provisions.

Many perennial-type streams in Iowa are classified as general use segments. This is in contrast to the definition of general use segments that these streams are intermittent watercourses. There is a gap between how general use segments are defined and how the waterbodies in Iowa are actually classified.

The proposed amendments will designate as Class B(WW-1) waters all perennial rivers and streams or intermittent streams with perennial pools in Iowa not specifically listed in the Surface Water Classification. The amendments will also designate as Class A1 waters all perennial rivers and streams or intermittent streams with perennial pools, which is consistent with the national goal in the Clean Water Act that waters should be "fishable and swimmable" wherever attainable.

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

Any person may submit written suggestions or comments on the proposed amendments through October 28, 2005. Such written material should be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to adam.schnieders@dnr.state.ia.us. Persons who have questions may contact Adam Schnieders at (515)281-7409.

Persons are invited to present oral or written comments at public hearings which will be held:

October 4, 2005 11 a.m.
Municipal Utilities Conference Room
15 W. Third St.
Atlantic, Iowa

October 4, 2005 7 p.m.
Cherokee Community Center
530 W. Bluff St.
Cherokee, Iowa

October 10, 2005 7 p.m.
Clear Lake Community Meeting Room
15 N. Sixth St.
Clear Lake, Iowa

October 12, 2005 11 a.m.
Farmers and Merchants Savings and Trust
101 E. Main St.
Manchester, Iowa

October 12, 2005 7 p.m.
Washington Community Y
121 E. Main St.
Washington, Iowa

October 14, 2005 1 p.m.
Wallace State Office Building
Fifth Floor Conference Rooms
502 East 9th Street
Des Moines, Iowa

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 61.2(5) as follows:

61.2(5) Implementation strategy. Numerical criteria specified in these water quality standards shall be met when the flow of the receiving stream equals or exceeds the design low flows noted below.

Type of Numerical Criteria	Design Low Flow Regime
Aquatic Life Protection (TOXICS)	
Acute	1Q ₁₀
Chronic	7Q ₁₀
Aquatic Life Protection (AMMONIA - N)	
Acute	1Q ₁₀
Chronic	30Q ₁₀
Human Health Protection & MCL	
Noncarcinogenic	30Q ₅
Carcinogenic	Harmonic mean

Exceptions may be made for intermittent or low flow streams classified as significant resource warm waters or limited resource warm waters. For these waters, the department may waive the design low flow requirement and establish a minimum flow in lieu thereof. Such waiver shall be granted only when it has been determined that the aquatic resources of the receiving waters are of no significance at flows less than the established minimum, and that the continued maintenance of the beneficial uses of the receiving waters will be ensured. In no event will toxic conditions be allowed to occur in the receiving waters outside of mixing zones established pursuant to subrule 61.2(4). The policy for granting waivers is described in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004. (Copies are available upon request to the Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319-0034. Copy also on file with the Iowa Administrative Rules Coordinator.)

All minimum flows established under the provisions of this rule will be published by the department. The minimum flows, commonly termed protected flows, are presented in "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments," dated May 19, 2004. A copy of this document is available upon request from the department. A copy is also on file with the Iowa Administrative Rules Coordinator.

a. to d. No change.

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e. The department may perform use assessment and related use attainability analyses on water bodies where uses may not be known or adequately documented. The preparation of use attainability analysis documents will consider available U.S. Environmental Protection Agency guidance or other applicable guidance. Credible data and documentation will be used to assist in the preparation of use assessments and use attainability analysis reports.

ITEM 2. Amend subrule **61.3(1)**, paragraph “a,” as follows:

a. General use segments. These are intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation in the immediate locality or as a result of discharges from wastewater treatment facilities, and whose channels are normally above the water table. These waters do not support a viable aquatic community of significance during low flow, and do not maintain pooled conditions during periods of no flow.

However, during periods when sufficient flow exists in the intermittent watercourses to support various uses, the general use segments are to be protected for livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, agricultural, domestic and other incidental water withdrawal uses. The aquatic life existing within these watercourses during elevated flows will be protected from acutely toxic conditions.

ITEM 3. Amend subrule **61.3(1)**, paragraph “b,” as follows:

b. Designated use segments. These are water bodies which maintain flow throughout the year, or contain sufficient pooled areas during intermittent flow periods to maintain a viable aquatic community of significance.

All perennial rivers and streams as identified by the U.S. Geological Survey 1:100,000 DLG Hydrography Data Map (published July 1993) or intermittent streams with perennial pools in Iowa not specifically listed in the surface water classification of 61.3(5) are designated as Class B(WW-1) waters.

All perennial rivers and streams as identified by the U.S. Geological Survey 1:100,000 DLG Hydrography Data Map (published July 1993) or intermittent streams with perennial pools in Iowa are designated as Class A1 waters.

Designated uses of segments may change based on a use attainability analysis consistent with 61.2(5)“e.” Designated use changes will be specifically listed in the surface water classification of 61.3(5).

Designated use waters are to be protected for all uses of general use segments in addition to the specific uses assigned. Designated use segments include:

(1) to (11) No change.

ITEM 4. Amend subrule 61.3(2), introductory paragraph, as follows:

61.3(2) General water quality criteria. The following criteria are applicable to all surface waters including general use and designated use waters, at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by the specific numerical criteria of subrule 61.3(3) for the uses described in 61.3(1)“a.”

ITEM 5. Amend subrule **61.3(5)** by striking “December 15, 2004” and inserting in lieu thereof the effective date of this amendment.

ARC 4505B

ENVIRONMENTAL PROTECTION COMMISSION[567]

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 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

The proposed amendments will:

- Change the current Class B(LR) use designation from Limited Resource Warm Water to Warm Water – Type 2 (Class B(WW-2)).
- Change the current Class B(WW) use designation from Significant Resource Warm Water to Warm Water – Type 1 (Class B(WW-1)).
- Add a new use designation titled Warm Water – Type 3 (Class B(WW-3)).
- Add a new use designation titled Human Health (Class HH).
- Incorporate by reference the document entitled “Warm Water Stream Use Assessment and Attainability Analysis Protocol,” which proposes an approach to be followed in assessing the warm water uses of streams.
- Establish dissolved oxygen, chemical, and ammonia-nitrogen criteria for the new proposed use designation of Class B(WW-3) at the same level that is associated with the existing Class B(LR) use designation.
- Transfer all existing Class B(WW) designated waters to the new Class B(WW-1) use designation.
- Transfer all existing Class B(LR) designated waters to the new Class B(WW-2) use designation.
- Incorporate the proposed use designation nomenclature into the text of the Water Quality Standards at numerous locations and into the applicable rule-referenced documents.
- Add Class HH to Table 1, Criteria for Chemical Constituents, and transfer to Class HH all Human Health – Fish criteria for Class B(WW), Class B(LW) and Class B(CW) designated waters and Human Health – F & W criteria from Class C designated waters.

Iowa’s current warm water aquatic life stream use designations, Class B(WW) and Class B(LR), include most designated warm water bodies (nearly all lakes and wetlands are designated Class B(LW)) in these two categories of water bodies. The Class B(WW) Significant Resource Warm Water designation is assigned to waters in which temperature, flow, and other habitat characteristics are suitable for the maintenance of a wide variety of reproducing warm water fish and associated aquatic communities, including sensitive species. The Class B(LR) Limited Resource Warm Water designation is assigned to waters in which flow or other physical characteristics limit the ability of the water body to maintain a balanced warm water community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption.

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These proposed amendments will rename and redefine the current Class B(WW) and Class B(LR) use designations to: Class B(WW-1) – Type 1, and Class B(WW-2) – Type 2, respectively. The Class B(WW-1) use designation will be defined similarly to the current significant resource warm water use designation. The Class B(WW-2) use designation will be defined similarly to the current limited resource warm water use designation.

A new Class B(WW-3) use designation will be added and defined as waters in which flow persists during periods when antecedent soil moisture and groundwater discharge levels are adequate; however, aquatic habitat typically consists of nonflowing pools during dry periods of the year. These waters generally include small streams of marginally perennial aquatic habitat status. Such waters support a limited variety of native fish and invertebrate species that are adapted to survive in relatively harsh aquatic conditions.

The existing Class B(WW) waters will be transferred to the new Class B(WW-1) use designation and the existing Class B(LR) waters will be transferred to the new Class B(WW-2) use designation. It is expected that any river or stream designated as Class B(WW-1) under the “rebuttable presumption” provisions will be redesignated to the appropriate level (Class B(WW-2) or Class B(WW-3)) waters when adequate assessment documentation is obtained.

The header for Table 1, Criteria for Chemical Constituents, currently displays the Class B(WW) and Class B(LR) use designations. The header is being changed to incorporate the proposed Class B(WW-1), Class B(WW-2) and Class B(WW-3) use designations. In addition, chemical criteria for Class B(WW-3) are being established in Table 1 equivalent to the Class B(LR) values.

A new Class HH use designation will be added and defined as waters in which fish are routinely harvested for human consumption. The current Human Health – Fish criteria for Class B(WW), Class B(LW) and Class B(CW) designated waters will be transferred to Class HH. The current Human Health – F & W criteria for Class C waters will transfer to Class HH with a special notation that the criteria apply to all Class C designated waterbodies. Thus, any waters currently designated as Class B(WW), Class B(LW), Class B(CW) or Class C will also be designated as Class HH waters.

The header for Table 3a, Acute Criterion for Ammonia in Iowa Streams, currently displays the Class B(WW) and Class B(LR) use designations. The header is being changed to incorporate the proposed Class B(WW-1), Class B(WW-2) and Class B(WW-3) use designations.

With the basic principle of protecting warm water fish populations and associated warm water aquatics, the current Class B(WW) dissolved oxygen criteria are proposed for the new Class B(WW-1) use designation. It is proposed that the current dissolved oxygen criteria for Class B(LR) be retained for the new Class B(WW-2) and Class B(WW-3) use designations.

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

Any person may submit written suggestions or comments on the proposed amendments through October 28, 2005. Such written material should be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to adam.schnieders@dnr.state.ia.us. Persons who have questions may contact Adam Schnieders at (515)281-7409.

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October 12, 2005 11 a.m.	Farmers and Merchants Savings and Trust 101 E. Main St. Manchester, Iowa
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These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **61.3(1)**, paragraph “**b**,” subparagraph (8), as follows:

(8) ~~Significant resource warm~~ Warm water – Type 1 (Class “B(WW-1)”). Waters in which temperature, flow and other habitat characteristics are suitable for the maintenance of a wide variety of reproducing populations of warm water fish and associated aquatic communities, including sensitive species, to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrate species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

ITEM 2. Amend subrule **61.3(1)**, paragraph “**b**,” subparagraph (9), as follows:

(9) ~~Limited resource warm~~ Warm water – Type 2 (Class “B(LR WW-2)”). Waters in which flow or other physical characteristics limit the ability of the water body to maintain a balanced warm water community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption. are capable of supporting a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water game fish populations. These waters generally consist of small perennially flowing streams.

ITEM 3. Amend subrule **61.3(1)**, paragraph “**b**,” by renumbering subparagraphs (10) and (11) as (11) and (13)

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and adopting **new** subparagraphs (10) and (12) as follows:

(10) Warm water – Type 3 (Class “B(WW-3)”). Waters in which flow persists during periods when antecedent soil moisture and groundwater discharge levels are adequate; however, aquatic habitat typically consists of nonflowing pools during dry periods of the year. These waters generally include small streams of marginally perennial aquatic habitat status. Such waters support a limited variety of native fish and invertebrate species that are adapted to survive in relatively harsh aquatic conditions.

(12) Human health (Class “HH”). Waters in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

ITEM 4. Amend subrule **61.3(3)**, paragraph “**b**,” introductory paragraph, as follows:

b. Class “B” waters. All waters which are designated as Class B(CW1), B(CW2), B(WW-1), B(LR WW-2), B(WW-3) or B(LW) are to be protected for wildlife, fish, aquatic, and semiaquatic life. The following criteria shall apply to all Class “B” waters designated in subrule 61.3(5).

ITEM 5. Rescind and reserve subrule **61.3(3)**, paragraph “**b**,” subparagraph (3), numbered paragraph “3.”

ITEM 6. Rescind and reserve subrule **61.3(3)**, paragraph “**b**,” subparagraph (4).

ITEM 7. Amend subrule **61.3(3)**, paragraph “**b**,” subparagraph (6), as follows:

(6) Early life stage for each use designation. The following seasons will be used in applying the early life stage present chronic criteria noted in Table 3b, “Chronic Criterion for Ammonia in Iowa Streams - Early Life Stages Present.”

1. For all Class B(CW1) waters, the early life stage will be year-round.

2. For all Class B(CW2) waters, the early life stage will begin on April 1 and last through September 30.

3. For all Class B(WW-1) significant resource waters, the early life stage will begin in March and last through September, except the following as follows:

- For the following, the early life stage will begin in February and last through September:

- The entire length of the Mississippi and Missouri Rivers,

- The lower reach of the Des Moines River south of the Ottumwa dam, and

- The lower reach of the Iowa River below the Cedar River.

- For the following, the early life stage will begin in April and last through September:

- All Class B(WW-1) waters in the Southern Iowa River Basin,

- All of the Class B(WW-1) reach of the Skunk River, the North Skunk River and the South Skunk River south of Indian Creek (Jasper County), and the Class B(WW-1) tributaries to these reaches, and

- ~~The~~ *the* entire Class B(WW-1) reach of the English River.

4. For all Class B(LR WW-2) and Class B(WW-3) waters, the early life stage will begin in April and last through September.

5. For all Class B(LW) lake and wetland waters, the early life stage will begin in March and last through September except for the Class B(LW) waters in the southern two tiers of Iowa counties which will have the early life stage of April through September.

ITEM 8. Amend subrule **61.3(3)** by adopting the following **new** paragraph “**d**”:

d. Class “HH” waters. Waters which are designated as Class HH shall contain no substances in concentrations which will make fish or shellfish inedible due to undesirable tastes or cause a hazard to humans after consumption.

(1) The human health criteria represent the level of protection necessary, in the case of noncarcinogens, to prevent adverse health effects in humans and, in the case of carcinogens, to prevent a level of incremental cancer risk not exceeding 1 in 100,000. Instream concentrations in excess of the human health criteria will be allowed only within the boundaries of the mixing zone.

(2) Reserved.

ITEM 9. Amend subrule **61.3(3)**, Table 1, as follows:

TABLE 1. Criteria for Chemical Constituents

(all values in micrograms per liter unless noted otherwise)

Human health criteria for carcinogenic parameters noted below were based on the prevention of an incremental cancer risk of 1 in 100,000. For parameters not having a noted human health criterion, the U.S. Environmental Protection Agency has not developed final national human health guideline values. For noncarcinogenic parameters, the recommended EPA criterion was selected. For Class C waters, the EPA criteria for fish and water consumption were selected using the same considerations for carcinogenic and noncarcinogenic parameters as noted above. For Class C waters for which no EPA human health criteria were available, the EPA MCL value was selected.

Parameter		Use Designations							
		B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)	C	HH
Alachlor	MCL	—	—	—	—	—	—	2	—
Aluminum	Chronic	87	—	388	773	773	748	—	—
	Acute	1106	—	4539	9035	9035	983	—	—
Antimony	Human Health + — F & W	—	—	—	—	—	—	14	14 ^(f)
Arsenic (III)	Chronic	200	—	200	1000	1000	200	—	—
	Acute	360	—	360	1800	1800	360	—	—
	Human Health — Fish	50	—	50	—	—	50	—	50 ^(e)
	Human Health — F & W	—	—	—	—	—	—	18	18 ^(f)

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Parameter		Use Designations							C	HH
		B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)			
Asbestos	Human Health — F & W	—	—	—	—	—	—	7(a)	7(a)(f)	
Atrazine	MCL	—	—	—	—	—	—	3	—	
Barium	Human Health + — F & W	—	—	—	—	—	—	1000	1000(f)	
Benzene	Human Health — F & W	—	—	—	—	—	—	12	12(f)	
	Human Health — Fish	712.8	—	712.8	—	—	712.8	—	712.8(e)	
Benzo(a)Pyrene	Human Health — F & W	—	—	—	—	—	—	.044	.044(f)	
Beryllium	MCL	—	—	—	—	—	—	4	—	
Bromoform	Human Health — F & W	—	—	—	—	—	—	43	43(f)	
	Human Health — Fish	3600	—	3600	—	—	3600	—	3600(e)	
Cadmium	Chronic	1	—	15	25	25	1	—	—	
	Acute	4	—	75	100	100	4	—	—	
	Human Health + — Fish	168	—	168	—	—	168	—	168(e)	
	MCL	—	—	—	—	—	—	5	—	
Carbofuran	MCL	—	—	—	—	—	—	40	—	
Carbon Tetrachloride	Human Health — F & W	—	—	—	—	—	—	2.5	2.5(f)	
	Human Health — Fish	44.2	—	44.2	—	—	44.2	—	44.2(e)	
Chlordane	Chronic	.004	—	.004	.15	.15	.004	—	—	
	Acute	2.5	—	2.5	2.5	2.5	2.5	—	—	
	Human Health — Fish	.006	—	.006	—	—	.006	—	.006(e)	
	Human Health — F & W	—	—	—	—	—	—	.021	.021(f)	
Chloride	MCL	—	—	—	—	—	—	250*	—	
Chlorobenzene	Human Health + — Fish	21*	—	21*	—	—	21*	—	21*(e)	
	MCL	—	—	—	—	—	—	100	—	
Chlorodibromo- methane	Human Health — F & W	—	—	—	—	—	—	4.1	4.1(f)	
	Human Health — Fish	340	—	340	—	—	340	—	340(e)	
Chloroform	Human Health — F & W	—	—	—	—	—	—	57	57(f)	
	Human Health — Fish	4700	—	4700	—	—	4700	—	4700(e)	
Chloropyrifos	Chronic	.041	—	.041	.041	.041	.041	—	—	
	Acute	.083	—	.083	.083	.083	.083	—	—	
Chromium (VI)	Chronic	40	—	40	200	200	10	—	—	
	Acute	60	—	60	300	300	15	—	—	
	Human Health + — Fish	3365	—	3365	—	—	3365	—	3365(e)	
	MCL	—	—	—	—	—	—	100	—	
Copper	Chronic	20	—	35	55	55	10	—	—	
	Acute	30	—	60	90	90	20	—	—	
	Human Health + — Fish	1000	—	1000	—	—	1000	—	1000(e)	
	Human Health + — F & W	—	—	—	—	—	—	1300	1300(f)	

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Parameter		Use Designations							C	HH
		B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)			
Cyanide	Chronic	5	—	10	10	10	10	—	—	
	Acute	20	—	45	45	45	45	—	—	
	Human Health + — F & W	—	—	—	—	—	—	700	700 ^(f)	
Dalapon	MCL	—	—	—	—	—	—	200	—	
Dibromochloro- propane	MCL	—	—	—	—	—	—	.2	—	
4,4-DDT ++	Chronic	.001	—	.001	.029	.029	.001	—	—	
	Acute	.9	—	.8	.95	.95	.55	—	—	
	Human Health — Fish	.0059	—	.0059	—	—	.0059	—	.0059 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.0059	.0059 ^(f)	
o-Dichlorobenzene	MCL	—	—	—	—	—	—	600	—	
para-Dichloro- benzene	Human Health + — F & W	—	—	—	—	—	—	400	400 ^(f)	
	Human Health + — Fish	2.6*	—	2.6*	—	—	2.6*	—	2.6* ^(e)	
3,3-Dichloro- benzidine	Human Health — Fish	.2	—	.2	—	—	.2	—	.2 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.4	.4 ^(f)	
Dichlorobromo- methane	Human Health — F & W	—	—	—	—	—	—	5.6	5.6 ^(f)	
	Human Health — Fish	460	—	460	—	—	460	—	460 ^(e)	
1,2-Dichloro- ethane	Human Health — F & W	—	—	—	—	—	—	3.8	3.8 ^(f)	
	Human Health — Fish	986	—	986	—	—	986	—	986 ^(e)	
1,1-Dichloro- ethylene	Human Health — F & W	—	—	—	—	—	—	.57	.57 ^(f)	
	Human Health — Fish	32	—	32	—	—	32	—	32 ^(e)	
cis-1,2-Dichloro- ethylene	MCL	—	—	—	—	—	—	70	—	
trans-1,2-Dichloro- ethylene	Human Health + — F & W	—	—	—	—	—	—	700	700 ^(f)	
Dichloromethane	MCL	—	—	—	—	—	—	5	—	
1,2-Dichloro- propane	Human Health — F & W	—	—	—	—	—	—	5.2	5.2 ^(f)	
Di(2-ethylhexyl) adipate	MCL	—	—	—	—	—	—	400	—	
Di(2-ethylhexyl) phthalate	Human Health — F & W	—	—	—	—	—	—	18	18 ^(f)	
Dieldrin	Chronic	.056	—	.056	.056	.056	.056	—	—	
	Acute	.24	—	.24	.24	.24	.24	—	—	
	Human Health — Fish	.0014	—	.0014	—	—	.0014	—	.0014 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.0014	.0014 ^(f)	
Dinoseb	MCL	—	—	—	—	—	—	7	—	
2,3,7,8-TCDD (Dioxin)	Human Health — F & W	—	—	—	—	—	—	1.3 ⁻⁷	1.3 ^{-7(f)}	
	Human Health — Fish	.00014†	—	.00014†	—	—	.00014†	—	.00014† ^(e)	

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Parameter		Use Designations							C	HH
		B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)			
Diquat	MCL	—	—	—	—	—	—	20	—	
2,4-D	Human Health + — F & W	—	—	—	—	—	—	100	100 ^(f)	
Endosulfan ^(b)	Chronic	.056	—	.15	.15	.15	.15	—	—	
	Acute	.11	—	.3	.3	.3	.3	—	—	
	Human Health + — Fish	240	—	240	—	—	240	—	240 ^(e)	
	Human Health + — F & W	—	—	—	—	—	—	110	110 ^(f)	
Endothall	MCL	—	—	—	—	—	—	100	—	
Endrin	Chronic	.05	—	.036	.036	.036	.036	—	—	
	Acute	.12	—	.086	.086	.086	.086	—	—	
	Human Health + — Fish	.81	—	.81	—	—	.81	—	.81 ^(e)	
	Human Health + — F & W	—	—	—	—	—	—	.76	.76 ^(f)	
Ethylbenzene	Human Health + — F & W	—	—	—	—	—	—	3100	3100 ^(f)	
Ethylene dibromide	MCL	—	—	—	—	—	—	.05	—	
Fluoride	MCL	—	—	—	—	—	—	4000	—	
Glyphosate	MCL	—	—	—	—	—	—	700	—	
Heptachlor	Chronic	.0038	—	.0038	.01	.01	.0038	—	—	
	Acute	.38	—	.38	.38	.38	.38	—	—	
	Human Health — Fish	.002	—	.002	—	—	.002	—	.002 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.0021	.0021 ^(f)	
Heptachlor epoxide	Human Health — F & W	—	—	—	—	—	—	.001	.001 ^(f)	
Hexachloro-benzene	Human Health — F & W	—	—	—	—	—	—	.0075	.0075 ^(f)	
γ-Hexachloro-cyclohexane (Lindane)	Chronic	N/A	—	N/A	N/A	N/A	N/A	—	—	
	Acute	.95	—	.95	.95	.95	.95	—	—	
	Human Health — Fish	.63	—	.63	—	—	.63	—	.63 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.19	.19 ^(f)	
Hexachloro-cyclopentadiene	Human Health — F & W	—	—	—	—	—	—	240	240 ^(f)	
Lead	Chronic	3	—	30	80	80	3	—	—	
	Acute	80	—	200	750	750	80	—	—	
	MCL	—	—	—	—	—	—	50	—	
Mercury (II)	Chronic	3.5	—	2.1	3.7	3.7	.91	—	—	
	Acute	6.5	—	4.0	6.9	6.9	1.7	—	—	
	Human Health + — Fish	.15	—	.15	—	—	.15	—	.15 ^(e)	
	Human Health + — F & W	—	—	—	—	—	—	.05	.05 ^(f)	
Methoxychlor	Human Health + — F & W	—	—	—	—	—	—	100	100 ^(f)	

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Parameter		Use Designations							C	HH
		B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)			
Tetrachloro-ethylene	Human Health — F & W	—	—	—	—	—	—	8	8 ^(f)	
Thallium	Human Health + — F & W	—	—	—	—	—	—	1.7	1.7 ^(f)	
Toluene	Chronic	50	—	50	150	150	50	—	—	
	Acute	2500	—	2500	7500	7500	2500	—	—	
	Human Health + — Fish	300*	—	300*	—	—	300*	—	300 ^{*(e)}	
	Human Health + — F & W	—	—	—	—	—	—	6800	6800 ^(f)	
Total Residual Chlorine (TRC)	Chronic	10	—	20	25	25	10	—	—	
	Acute	35	—	35	40	40	20	—	—	
Toxaphene	Chronic	.037	—	.037	.037	.037	.037	—	—	
	Acute	.73	—	.73	.73	.73	.73	—	—	
	Human Health — Fish	.0075	—	.0075	—	—	.0075	—	.0075 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	.0073	.0073 ^(f)	
1,2,4-Trichlorobenzene	MCL	—	—	—	—	—	—	70	—	
1,1,1-Trichloroethane	MCL	—	—	—	—	—	—	200	—	
	Human Health + — Fish	173*	—	173*	—	—	173*	—	173 ^{*(e)}	
1,1,2-Trichloroethane	Human Health — F & W	—	—	—	—	—	—	6	6 ^(f)	
Trichloroethylene (TCE)	Chronic	80	—	80	80	80	80	—	—	
	Acute	4000	—	4000	4000	4000	4000	—	—	
	Human Health — Fish	807	—	807	—	—	807	—	807 ^(e)	
	Human Health — F & W	—	—	—	—	—	—	27	27 ^(f)	
Trihalomethanes (total) ^(c)	MCL	—	—	—	—	—	—	80	—	
Vinyl Chloride	Human Health — F & W	—	—	—	—	—	—	20	20 ^(f)	
	Human Health — Fish	5250	—	5250	—	—	5250	—	5250 ^(e)	
Xylenes (total)	MCL	—	—	—	—	—	—	10*	—	
Zinc	Chronic	200	—	450	2000	2000	100	—	—	
	Acute	220	—	500	2200	2200	110	—	—	
	Human Health + — Fish	5000	—	5000	—	—	5000	—	5000 ^(e)	
	Human Health + — F & W	—	—	—	—	—	—	9100	9100 ^(f)	

* units expressed as milligrams/liter

** to include the sum of known and suspected carcinogenic PAHs

† expressed as nanograms/liter

+ represents the noncarcinogenic human health parameters

++ The concentrations of 4,4-DDT or its metabolites; 4,4-DDE and 4,4-DDD, individually shall not exceed the human health criteria.

(a) units expressed as million fibers/liter (longer than 10 micrometers)

(b) includes alpha-endosulfan, beta-endosulfan, and endosulfan sulfate in combination or as individually measured

(c) The sum of the four trihalomethanes (bromoform [tribromomethane], chlorodibromomethane, chloroform [trichloromethane], and dichlorobromomethane) may not exceed the MCL.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

(d) Class B numerical criteria are for pentachlorophenol a function of pH using the equation: $Criterion (\mu\text{g/l}) = e^{[1.005(\text{pH}) - x]}$, where $e = 2.71828$ and x varies according to the following table:

	B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)
Acute	3.869	—	4.869	4.869	4.869	4.869
Chronic	4.134	—	5.134	5.134	5.134	5.134

(e) This Class HH criterion would be applicable to any Class B(LW), B(CW1), B(WW-1), B(WW-2), or B(WW-3) water body that is also designated Class HH.

(f) This Class HH criterion would be applicable to any Class C water body that is also designated Class HH.

ITEM 10. Amend subrule **61.3(3)**, Table 2, as follows:

TABLE 2. Criteria for Dissolved Oxygen
(all values expressed in milligrams per liter)

	B(CW1)	B(CW2)	B(WW-1)	B(LR WW-2)	B(WW-3)	B(LW)
Minimum value for at least 16 hours of every 24-hour period	7.0	7.0	5.0	5.0	5.0	5.0*
Minimum value at any time during any 24-hour period	5.0	5.0	5.0	4.0	4.0	5.0*

*applies only to the upper layer of stratification in lakes

ITEM 11. Amend subrule **61.3(3)**, Table 3a, header, as follows:

Acute Criterion, mg/l as N (or Criterion Maximum Concentration, CMC)		
pH	Class B(WW-1), B(LR WW-2), B(WW-3) & B(LW)	Class B(CW1) & B(CW2)

ITEM 12. Amend subrule **61.3(5)** as follows:

61.3(5) Surface water classification. The department hereby incorporates by reference “Surface Water Classification,” effective December 15, 2004 [insert effective date]. This document may be obtained from the Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, or on the department’s Web site at <http://www.state.ia.us/epd/wtresrce/wquality/index.htm> <http://www.iowadnr.com/water/standards/index.html>.

ITEM 13. Adopt **new** subrule 61.3(7) as follows:

61.3(7) Warm water stream use assessment and attainability analysis protocol. The department hereby incorporates by reference “Warm Water Stream Use Assessment and Attainability Analysis Protocol,” effective [insert effective date]. This document may be obtained on the department’s Web site at <http://www.iowadnr.com/water/standards/index.html>.

ARC 4506B

**ENVIRONMENTAL PROTECTION
COMMISSION[567]**

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 459.103 and 2005 Iowa Acts, House File 805, section 4, the Environmental Protection Commission proposes to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The amendments separate Chapter 65 into two divisions, one for confinement operations and one for open feedlots. In addition to creating a separate division for open feedlot rules, the amendments implement open feedlot operation requirements in 2005 Iowa Acts, House File 805, including minimum design standards for settled open feedlot effluent basins, nutrient management plans, alternative technology systems and construction permits. Included are provisions necessary to implement the National Pollutant Discharge Elimination System (NPDES) program.

To summarize, Item 1 creates a separate division and title for confinement feeding operations. Item 2 amends the introductory paragraph to the confinement feeding division