

CHAPTER 136
FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS

Chapter rescission date pursuant to Iowa Code section 17A.7: xxx

Commented [RC1]: Reference to be updated later in EO10 process

567—136.1(455B) Applicability.

136.1(1) This chapter applies to owners and operators of all petroleum underground storage tank (UST) systems except as otherwise provided in this rule.

136.1(2) State and federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States are exempt from the requirements of this chapter.

136.1(3) The requirements of this chapter do not apply to owners and operators of farm or residential tanks of 1,100 gallons or less capacity installed prior to July 1, 1987, or any UST system described in 567—paragraph 135.1(3) “b” or subparagraph 135.1(3) “c”(1), (3) or (4).

567—136.2(455B) Policy and Adoption by reference.

136.2(1) It is the policy of the Commission to ensure consistency, equity, and efficiency in providing financial responsibility for Iowans and the businesses providing services to Iowans that owners and operators of UST systems in this state must comply with the provisions of the federal rules requiring and regulating the financial assurance of UST systems. This rule shall be interpreted in a manner consistent with this policy.

136.2(2) The Commission hereby adopts by reference 40 CFR chapter I, subchapter I, part 280, subpart H (2015), subject to the following conditions.

a. All uses of “Agency,” “Environmental Protection Agency,” “EPA,” and “implementing agency,” and any reference to the regional offices of the Environmental Protection Agency, shall be replaced by “Department of Natural Resources,” except where the context of the rule requires notice or submission to both federal and state entities, in which case the replacement language shall be in addition to the original language.

b. All uses of “Administrator” and “regional administrator,” and any reference to the designee of either, are replaced by “the director of the Department of Natural Resources or their designee,” except where the context of the rule requires notice or submission to both federal and state entities, in which case the replacement language shall be in addition to the original language.

c. 40 CFR 280.100 is not adopted by reference.

d. 40 CFR 280.101 is not adopted by reference.

These rules are intended to implement Iowa Code sections 455B.424 and 455B.474.