

## 567 IAC Chapter 105, Division I – Notification of Hazardous Conditions (Final Draft, March 2025)

*\*The purpose of this document is to identify proposed revisions and to indicate where amendments have been incorporated within the proposed rulemaking. For ease of use, the DNR is focusing on substantive revisions within this document, and will not individually highlight all minor revisions made for solely for clarification purposes.*

Subject	Rule Citation	Existing Rule	Proposed Rule Citation	Proposed Rule	Iowa Code Citation	Notes/Discussion
<b>Purpose</b>	NA	NA	105.1	<b>567—105.1(455B) Purpose.</b> The purpose of this division is to implement Iowa Code sections 455B.383 and 455B.386 by providing detail for the notification requirements for reporting a hazardous condition.	<a href="#">§455B.383</a> & <a href="#">§455B.386</a>	Rule 567—105.1(455B) is being proposed to codify the purpose of this division.
<b>Applicability</b>	NA	NA	105.2	<b>567—105.2(455B) Applicability.</b> The requirements of this division apply to all persons manufacturing, storing, handling, transporting, or disposing of a hazardous substance, or discovering contamination from a previously unknown hazardous condition, and to the sheriff or police chief who has been notified of a hazardous condition.	<a href="#">§455B.383</a> & <a href="#">§455B.386</a>	Rule 567—105.2(455B) is being proposed to codify the applicability of this division. A clarification was added that this division also applies to those that discover contamination from a previously unknown hazardous condition.
<b>Definitions</b>	131.1	<b>567—131.1(455B) Definitions.</b> For purposes of this chapter: “Corrosive” means causing or producing visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing a severe destruction or erosion of other materials through chemical processes. “Department” means the department of natural resources. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.	105.3	<b>567—105.3(455B) Definitions.</b> For the purposes of this division, the definitions set out in Iowa Code section 455B.381 apply.	<a href="#">§455B.383</a> & <a href="#">§455B.386</a>	Rule 567—131.1(455B) is being moved along with all rules in Chapter 131 to Chapter 105. All definitions are being reevaluated against statutory definitions in Iowa Code section 455B.381. Pursuant to the EO10 directive, statutory definitions shall be stand-alone and no longer duplicated within administrative chapters.  To that end, the following definitions will be removed when moving 567 IAC 131 to 567 IAC 105. <ol style="list-style-type: none"> <li>1) Corrosive</li> <li>2) Department</li> <li>3) Hazardous condition</li> <li>4) Hazardous substance</li> <li>5) Irritant</li> <li>6) Toxic</li> </ol>

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		<p>“Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. “Hazardous substances” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR §172.101).</p> <p>“Irritant” means a substance causing or producing dangerous or intensely irritating fumes upon contact with fire or when exposed to air.</p> <p>“Toxic” means causing or producing a dangerous physiological, anatomic or biochemical change in a biological system.</p>				
<b>Exemptions to reporting requirements</b>	NA	NA	105.4	<p><b>567—105.4(455B) Exemptions to reporting requirements.</b> Spills of hazardous substances are exempt from rule 567–105.5(455B) if all the following criteria are met:</p> <p style="margin-left: 40px;"><i>a.</i> The spill hazardous substance is one or more of the following:</p>	<p><a href="#">§455B.383</a> &amp; <a href="#">§455B.386</a></p>	<p>Rule 567—105.4(455B) is being proposed to codify exemptions to reporting requirements. These exemptions will reduce the regulatory burden by limiting reporting for petroleum products, anhydrous ammonia, and PCBs to specific volumes. This will reduce the burden on</p>

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				<p>(1) Less than 25 gallons of petroleum products.</p> <p>(2) Less than 100 pounds of anhydrous ammonia.</p> <p>(3) Less than 10 gallons of non-polychlorinated biphenyls (PCBs) containing transformer oils.</p> <p><i>b.</i> The spilled hazardous substance will not pose an actual or potential threat to waters of the state, groundwater, water wells, stormwater, tile lines, or ambient air quality, if cleaned up within 24 hours.</p> <p><i>c.</i> The spilled hazardous substance is cleaned up within 24 hours of the spill.</p> <p><i>d.</i> The spilled hazardous substance is not an ongoing or repeated spill by the same responsible party, in the same area, within the last 90 days.</p>		the regulated community and will also reduce the time DNR staff need to dedicate to responding to and documenting minor spills.
<b>Report of hazardous conditions</b>	131.2	<p><b>567—131.2(455B) Report of hazardous conditions.</b> Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department at (515)281-8694 and the local police department or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. Reports made pursuant to this rule shall be confirmed in writing as provided in 131.2(2).</p> <p><b>131.2(1) Verbal report.</b> The verbal report of such a hazardous condition should provide information on as many items listed in 131.2(2) as available data will allow.</p> <p><b>131.2(2) Written report.</b> The written report of such a hazardous condition shall be submitted to the department within 30 days and contain the following information:</p>	105.5	<p><b>567—105.5(455B) Report of hazardous conditions.</b></p> <p><b>105.5(1) Initial report.</b> Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance, or discovering contamination from a previously unknown hazardous condition, shall report a hazardous condition to the department and either the local police department or the office of the sheriff of the county where the hazardous condition occurred. The initial report shall be made as soon as possible but not later than six hours after the onset or discovery of the hazardous condition. The initial report shall provide information on as many items listed in subrule 105.5(2) as available data will allow.</p> <p><b>105.5(2) Follow-up report.</b> The responsible party shall submit a follow-up report of a</p>	<p><a href="#">§455B.383</a> &amp; <a href="#">§455B.386</a></p>	Rule 567—131.1(455B) is being moved along with all rules in Chapter 131 to Chapter 105. The language on a “Verbal report” has been changed to “Initial Report” to allow for flexibility as to how the report is received and to allow for future changes to method of reporting without the need for new rulemaking. A clarification was added that this division also applies to those that discover contamination from a previously unknown hazardous condition. The language about a “Written Report” has been changed to “Follow-up Report” to allow for flexibility as to how the report is received and to allow for future changes to the method of reporting without the need for new rulemaking. The department phone number was removed as that phone number is not up-to-date. Removing the phone number from rule will allow flexibility if the DNR reporting phone number should change without the need for new rulemaking. Some clarifications were added to the

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	<p>a. The exact location of the hazardous condition.  b. The time and date of onset or discovery of the hazardous condition.  c. The name of the material, the manufacturer’s name and the volume of each material involved in the hazardous condition in addition to contaminants within the material if they by themselves could cause a hazardous condition.  d. The medium (land, water or air) in which the hazardous condition occurred or exists.  e. The name, address and telephone number of the party responsible for the hazardous condition.  f. The time and date of the verbal report to the department of the hazardous condition.  g. The weather conditions at the time of the hazardous condition onset or discovery.  h. The name, mailing address and telephone number of the person reporting the hazardous condition.  i. The name and telephone number of the person closest to the scene of the hazardous condition who can be contacted for further information and action.  j. Any other information, such as the circumstances leading to the hazardous condition, visible effects and containment measures taken that may assist in proper evaluation by the department.</p> <p><b>131.2(3)</b> Reporting of subsequent findings. All subsequent finding and laboratory results should be reported and submitted in writing to the department as soon as they become available.</p>		<p>hazardous condition to the department within 30 days of the initial report. The follow-up report may be submitted electronically or via hard copy. The follow-up report shall contain the following information:</p> <p><i>a.</i> The exact location of the hazardous condition.  <i>b.</i> The time and date of onset or discovery of the hazardous condition.  <i>c.</i> The name of the material, the manufacturer’s name, volume of each material involved in the hazardous condition, and any contaminants within the material, if, by themselves, could cause a hazardous condition.  <i>d.</i> The medium (land, water, or air) in which the hazardous condition occurred or exists.  <i>e.</i> The name, address, and phone number of the person responsible for the hazardous condition.  <i>f.</i> The time and date of the initial report to the department of the hazardous condition.  <i>g.</i> The weather conditions at the time of the hazardous condition onset or discovery.  <i>h.</i> The name, mailing address, email address, and phone number of the person reporting the hazardous condition.  <i>i.</i> The name and phone number of the person closest to the scene of the hazardous condition who can be contacted for further information and action.  <i>j.</i> Any other information, such as the circumstances leading to the hazardous condition, visible effects, and containment measures taken that may assist in proper evaluation by the department.</p> <p><b>105.5(3)</b> <i>Reporting of subsequent findings.</i> All subsequent findings and laboratory results shall be</p>		<p>information required in the “Follow-up Report” to put this in line with current practice.</p>
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				reported and submitted electronically or in writing to the department as soon as available.		
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