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FILED JAN 17 1993

SENATE FILE 208U
BY HUSAK

Passed Senate, Date 2/14/1992 Passed House, Date _____
Vote: Ayes 48 Nays 5 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to storage tanks by exempting certain aboveground
2 tanks from registration with the state fire marshal, by
3 limiting registration to aboveground petroleum storage tanks,
4 by defining where aboveground tanks may be permitted for
5 retail motor vehicle fuel outlets pursuant to rules of the
6 state fire marshal, and by altering eligibility standards for
7 certain loan guarantees.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 208U

1 Section 1. Section 101.12, Code Supplement 1989, is
2 amended to read as follows:

3 101.12 ABOVEGROUND PETROLEUM TANKS AUTHORIZED.

4 Rules of the state fire marshal shall permit installation
5 of aboveground petroleum storage tanks for retail motor
6 vehicle fuel outlets ~~in-cities-of-one-thousand-or-less~~
7 population except for outlets located within cities of more
8 than one thousand population.

9 Sec. 2. Section 101.21, Code Supplement 1989, is amended
10 to read as follows:

11 101.21 DEFINITIONS.

12 As used in this part unless the context otherwise requires:

13 1. "Aboveground petroleum storage tank" means one or a
14 combination of tanks, including connecting pipes connected to
15 the tanks which are used to contain an accumulation of
16 ~~regulated-substances~~ petroleum and the volume of which,
17 including the volume of the underground pipes, is more than
18 ninety percent above the surface of the ground. Aboveground
19 petroleum storage tank does not include any of the following:

20 a. Aboveground tanks of one thousand one hundred gallons
21 or less capacity.

22 b. Tanks used for storing heating oil for consumptive use
23 on the premises where stored.

24 c. Underground storage tanks as defined by section
25 455B.471.

26 d. A flow-through process tank, or a tank containing a
27 regulated substance, other than motor vehicle fuel used for
28 transportation purposes, for use as part of a manufacturing
29 process, system, or facility.

30 2. "Nonoperational aboveground petroleum tank" means an
31 aboveground storage tank in which ~~regulated-substances-are~~
32 petroleum is not deposited or from which ~~regulated-substances~~
33 are petroleum is not dispensed on or after July 1, 1989.

34 3. "Operator" means a person in control of, or having
35 responsibility for, the daily operation of ~~the~~ an aboveground

1 petroleum storage tank.

2 4. "Owner" means:

3 a. In the case of an aboveground petroleum storage tank in
4 use on or after July 1, 1989, a person who owns the
5 aboveground petroleum storage tank used for the storage, use,
6 or dispensing of regulated-substances petroleum.

7 b. In the case of an aboveground petroleum storage tank in
8 use before July 1, 1989, but no longer in use on or after that
9 date, a person who owned the tank immediately before the
10 discontinuation of its use.

11 5. "Regulated-substance Petroleum" means regulated
12 substance petroleum as defined in section 455B.471.

13 6. "Release" means spilling, leaking, emitting,
14 discharging, escaping, leaching, or disposing from an
15 aboveground petroleum storage tank into groundwater, surface
16 water, or subsurface soils.

17 7. "State fire marshal" means the state fire marshal, or
18 the state fire marshal's designee.

19 8. "Tank site" means a tank or grouping of tanks within
20 close proximity of each other located on the a facility for
21 the purpose of storing regulated-substances petroleum.

22 Sec. 3. Section 101.22, Code Supplement 1989, is amended
23 to read as follows:

24 101.22 REPORT OF EXISTING AND NEW TANKS -- REGISTRATION
25 FEE -- TAG -- PENALTY.

26 1. Except as provided in subsection 2, the owner or
27 operator of an aboveground petroleum storage tank existing on
28 or before July 1, 1989, shall notify the state fire marshal in
29 writing by May 1, 1990, of the existence of each tank and
30 specify the age, size, type, location, and uses of the tank.

31 2. The owner of an aboveground petroleum storage tank
32 taken out of operation between January 1, 1979, and July 1,
33 1989, shall notify the state fire marshal in writing by July
34 1, 1990, of the existence of the tank unless the owner knows
35 the tank has been removed from the site. The notice shall

1 specify, to the extent known to the owner, the date the tank
2 was taken out of operation, the age of the tank on the date
3 taken out of operation, the size, type, and location of the
4 tank, and the type and quantity of substances left stored in
5 the tank on the date that it was taken out of operation.

6 3. An owner or operator which brings into use an
7 aboveground petroleum storage tank after July 1, 1989, shall
8 notify the state fire marshal in writing within thirty days of
9 the existence of the tank and specify the age, size, type,
10 location, and uses of the tank.

11 4. The registration notice of the owner or operator to the
12 state fire marshal under subsections 1 through 3 shall be
13 accompanied by a fee of ten dollars for each tank included in
14 the notice. All moneys collected shall be deposited in the
15 general fund.

16 5. A person who deposits ~~a-regulated-substance~~ petroleum
17 in an aboveground petroleum storage tank shall notify the
18 owner or operator in writing of the notification requirements
19 of this section.

20 6. A person who sells or constructs a tank intended to be
21 used as an aboveground storage tank shall notify the purchaser
22 of the tank in writing of the notification requirements of
23 this section applicable to the purchaser.

24 7. It ~~shall be~~ is unlawful to deposit ~~a-regulated~~
25 ~~substance~~ petroleum in an aboveground petroleum storage tank
26 which has not been registered pursuant to subsections 1
27 through 5 4.

28 The state fire marshal shall furnish the owner or operator
29 of an aboveground petroleum storage tank with a registration
30 tag for each aboveground petroleum storage tank registered
31 with the state fire marshal. The owner or operator shall
32 affix the tag to the fill pipe of each registered aboveground
33 petroleum storage tank. A person who conveys or deposits a
34 ~~regulated-substance~~ petroleum shall inspect the aboveground
35 petroleum storage tank to determine the existence or absence

1 of the registration tag. If a registration tag is not affixed
2 to the aboveground petroleum storage tank fill pipe, the
3 person conveying or depositing the regulated-substance
4 petroleum may deposit the regulated-substance petroleum in the
5 unregistered tank provided-that. However, the deposit is
6 allowed only in the single instance, that the person provides
7 the owner or operator with another notice as required by
8 subsection 5, and that the person provides the owner or
9 operator with an aboveground petroleum storage tank
10 registration form. It is the owner or operator's duty to
11 comply with registration requirements. A late registration
12 penalty of twenty-five dollars is imposed in addition to the
13 registration fee for a tank registered after the required
14 date.

15 Sec. 4. NEW SECTION. 101.22A EXEMPTION.

16 An aboveground petroleum storage tank which is subject to
17 regulation or registration under either the federal department
18 of transportation or state department of transportation or
19 both, is exempt from the registration requirements of section
20 101.22.

21 Sec. 5. Section 101.23, Code Supplement 1989, is amended
22 to read as follows:

23 101.23 STATE FIRE MARSHAL REPORTING RULES.

24 The state fire marshal shall adopt rules pursuant to
25 chapter 17A relating to reporting requirements necessary to
26 enable the state fire marshal to maintain an accurate
27 inventory of aboveground petroleum storage tanks.

28 Sec. 6. Section 101.24, subsections 1 and 2, Code
29 Supplement 1989, are amended to read as follows:

30 1. Inspect and investigate the facilities and records of
31 owners and operators of aboveground petroleum storage tanks as
32 may-be necessary to determine compliance with this division
33 and the rules adopted pursuant to this division. An
34 inspection or investigation shall be conducted subject to
35 subsection 4. For purposes of developing a rule, maintaining

1 an accurate inventory, or enforcing this division, the
2 department may:

3 a. Enter at reasonable times any an establishment or other
4 place where an aboveground storage tank is located.

5 b. Inspect and obtain samples from any person of a
6 petroleum or another regulated substance and conduct
7 monitoring or testing of the tanks, associated equipment,
8 contents, or surrounding soils, air, surface water, and
9 groundwater. Each inspection shall be commenced and completed
10 with reasonable promptness.

11 (1) If the state fire marshal obtains a sample, prior to
12 leaving the premises, the fire marshal shall give the owner,
13 operator, or agent in charge a receipt describing the sample
14 obtained and if requested a portion of each sample equal in
15 volume or weight to the portion retained. If the sample is
16 analyzed, a copy of the results of the analysis shall be
17 furnished promptly to the owner, operator, or agent in charge.

18 (2) Documents or information obtained from a person under
19 this subsection shall be available to the public except as
20 provided in this subparagraph. Upon a showing satisfactory to
21 the state fire marshal by a person that public disclosure of
22 documents or information, or a particular part of the
23 documents or information to which the state fire marshal has
24 access under this subsection would divulge commercial or
25 financial information entitled to protection as a trade
26 secret, the state fire marshal shall consider the documents or
27 information or the particular portion of the documents or
28 information confidential. However, the ~~document~~ documents or
29 information may be disclosed to officers, employees, or
30 authorized representatives of the United States charged with
31 implementing the federal Solid Waste Disposal Act, to
32 employees of the state of Iowa or of other states when the
33 document or information is relevant to the discharge of their
34 official duties, and when relevant in any a proceeding under
35 the federal Solid Waste Disposal Act or this division.

1 2. Maintain an accurate inventory of aboveground petroleum
2 storage tanks.

3 Sec. 7. Section 455G.2, subsection 13, paragraph c, Code
4 Supplement 1989, is amended to read as follows:

5 c. Has a net worth of ~~two~~ four hundred thousand dollars or
6 less.

7 Sec. 8. Section 455G.10, Code Supplement 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3A. In calculating the net worth of an
10 applicant for a loan guarantee, the board shall use the fair
11 market value of any property on which a tank is sited, and not
12 the precorrective action value required for recovery of gain
13 upon later sale of the same property under section 455G.9,
14 subsection 6.

15 EXPLANATION

16 This bill revises an option to dispense motor vehicle fuels
17 from aboveground tanks in cities of one thousand or less
18 population which was included in 1989 House File 447, the
19 underground storage tank bill, 1989 Iowa Acts, chapter 131.
20 The 1989 Act, as adopted, could be read restrictively, so that
21 unincorporated towns or rural areas would not be allowed the
22 option to use aboveground storage tanks. This bill provides
23 instead that unless the motor vehicle fuel outlet is located
24 within an incorporated city of greater than one thousand
25 population, the aboveground option is permitted.

26 This bill exempts petroleum tanks which are subject to
27 regulation or registration with either the federal department
28 of transportation or state department of transportation or
29 both, from similar registration requirements with the state
30 fire marshal. House File 447 required the registration of
31 aboveground petroleum storage tanks, of 1,100 gallons or more
32 capacity, with the state fire marshal in anticipation of
33 future federal rules on such tanks. The purpose of the
34 registration was to determine the number and location of such
35 aboveground tanks in the event that federal rules required any

1 state action. The fire marshal has asked whether the
2 registration requirement applies to mobile tanks, such as
3 tanker trucks. This bill exempts tanker trucks and other
4 tanks already registered or regulated by the state or federal
5 department of transportation.

6 The bill also limits registration to aboveground petroleum
7 storage tanks rather than the current broader class of
8 aboveground tanks containing regulated substances.

9 Finally the bill alters eligibility standards for obtaining
10 a loan guarantee from the underground storage tank fund, by
11 increasing the permissible net worth of an eligible small
12 business from \$200,000 to \$400,000, and by requiring net worth
13 to be calculated using the fair market value of the tank site,
14 including any market discounts for any contamination or
15 required improvements.

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SENATE FILE 2086

S-5090

1 Amend Senate File 2086 as follows:

2 1. Page 6, by inserting after line 14, the
3 following:

4 "Sec. ____ . Section 455G.11, subsection 6,
5 unnumbered paragraph 2, Code Supplement 1989, is
6 amended to read as follows:

7 The board shall adopt rules requiring certification
8 of tank installations and require certification of a
9 new tank installation as a precondition to offering
10 insurance to an owner or operator or an installer.

11 The board shall set in the rule the effective date for
12 the certification requirement. Certification rules
13 shall at minimum require that an installation be

14 personally inspected by an independent licensed
*15 ~~engineer, fire-marshai-or-state-fire-marshais~~
16 designee or person unaffiliated with the tank owner,
17 operator, or installer, who is qualified and

18 authorized by the board to perform the required
19 inspection and that the tank and installation of the
20 tank comply with applicable technical standards and
21 manufacturer's instructions and warranty conditions.
22 An inspector shall not be an owner or operator of a
23 tank, or an employee of an owner, operator, or
24 installer. The insurance coverage shall be extended
25 to premium paying installers on or before December 1,
26 1989. For the period from May 5, 1989, to and
27 including the date that insurance coverage under the
28 fund is extended to installers, the fund shall not
29 seek third-party recovery from an installer.

30 Sec. ____ . Section 445G.17, subsections 1 and 2,
31 Code Supplement 1989, are amended to read as follows:

32 1. The board shall adopt certification procedures
33 and standards for the following classes of persons as
34 underground storage tank installation inspectors:

35 a. A licensed engineer, except that if underground
36 storage tank installation is within the scope of
37 practice of a particular class of licensed engineer,
38 additional training shall not be required for that
39 class. A licensed engineer for whom underground
40 storage tank installation is within the scope of
41 practice shall be an "authorized inspector", rather
42 than a "certified inspector".

*43 b. A fire-marshai person unaffiliated with the
44 tank owner, operator, or installer.

45 2. The board shall adopt approved curricula
*46 curriculum for training both engineers and fire
47 marshais unaffiliated persons as a precondition to
48 their certification as underground storage tank
49 installation inspectors.

*50 Sec. ____ . Section 101.28, Code Supplement 1989, is

S-5090

Page 2

1 repealed."

2 2. By renumbering as necessary.

By COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-5090 FILED FEBRUARY 13, 1990

Adopted as amended by S.C. 75 2/11 (p. 602)

SENATE FILE 2086

S-5095

- 1 Amend amendment, S-5090, to Senate File 2086, as
2 follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 " ". Page 6, by inserting after line 2, the
6 following:
7 "Sec. . Section 101.28, Code Supplement 1989,
8 is amended to read as follows:
9 101.28 FEES FOR CERTIFICATION INSPECTIONS OF
10 UNDERGROUND STORAGE TANKS.
11 ~~The state fire marshal, the state fire marshal's~~
12 ~~designee, or a~~ A local fire marshal, authorized to
13 conduct underground storage tank certification
14 inspections under section 455G.11, subsection 6, shall
15 charge the person requesting a certification
16 inspection a fee to recover the costs of authorized
17 training, inspection, and inspection program
18 administration ~~subject to rules adopted by the state~~
19 ~~fire marshal."~~
20 2. Page 1, line 15, by striking the words "~~fire~~
21 ~~marshal~~" and inserting the following: "local fire
22 marshal".
23 3. Page 1, line 43, by striking the words "~~fire~~
24 ~~marshal~~" and inserting the following: "local fire
25 marshal or other".
26 4. Page 1, by striking lines 46 through 47 and
27 inserting the following: "curriculum for training
28 engineers, local fire marshals, and fire-marshals
29 other unaffiliated persons as a precondition to".
30 5. By striking page 1, line 50, through page 2,
31 line 1.
32 6. By renumbering as necessary.

By MICHAEL GRONSTAL

S-5095 FILED FEBRUARY 15, 1990

ad. p. 2/15 (p. 102)

1 Section 1. Section 101.12, Code Supplement 1989, is
2 amended to read as follows:

3 101.12 ABOVEGROUND PETROLEUM TANKS AUTHORIZED.

4 Rules of the state fire marshal shall permit installation
5 of aboveground petroleum storage tanks for retail motor
6 vehicle fuel outlets ~~in cities of one thousand or less~~
7 population except for outlets located within cities of more
8 than one thousand population.

9 Sec. 2. Section 101.21, Code Supplement 1989, is amended
10 to read as follows:

11 101.21 DEFINITIONS.

12 As used in this part unless the context otherwise requires:

13 1. "Aboveground petroleum storage tank" means one or a
14 combination of tanks, including connecting pipes connected to
15 the tanks which are used to contain an accumulation of
16 ~~regulated-substances~~ petroleum and the volume of which,
17 including the volume of the underground pipes, is more than
18 ninety percent above the surface of the ground. Aboveground
19 petroleum storage tank does not include any of the following:

20 a. Aboveground tanks of one thousand one hundred gallons
21 or less capacity.

22 b. Tanks used for storing heating oil for consumptive use
23 on the premises where stored.

24 c. Underground storage tanks as defined by section
25 455B.471.

26 d. A flow-through process tank, or a tank containing a
27 regulated substance, other than motor vehicle fuel used for
28 transportation purposes, for use as part of a manufacturing
29 process, system, or facility.

30 2. "Nonoperational aboveground petroleum tank" means an
31 aboveground storage tank in which ~~regulated-substances-are~~
32 petroleum is not deposited or from which ~~regulated-substances~~
33 are petroleum is not dispensed on or after July 1, 1989.

34 3. "Operator" means a person in control of, or having
35 responsibility for, the daily operation of the an aboveground

1 petroleum storage tank.

2 4. "Owner" means:

3 a. In the case of an aboveground petroleum storage tank in
4 use on or after July 1, 1989, a person who owns the
5 aboveground petroleum storage tank used for the storage, use,
6 or dispensing of regulated-substances petroleum.

7 b. In the case of an aboveground petroleum storage tank in
8 use before July 1, 1989, but no longer in use on or after that
9 date, a person who owned the tank immediately before the
10 discontinuation of its use.

11 5. "Regulated-substance Petroleum" means regulated
12 substance petroleum as defined in section 455B.471.

13 6. "Release" means spilling, leaking, emitting,
14 discharging, escaping, leaching, or disposing from an
15 aboveground petroleum storage tank into groundwater, surface
16 water, or subsurface soils.

17 7. "State fire marshal" means the state fire marshal, or
18 the state fire marshal's designee.

19 8. "Tank site" means a tank or grouping of tanks within
20 close proximity of each other located on the a facility for
21 the purpose of storing regulated-substances petroleum.

22 Sec. 3. Section 101.22, Code Supplement 1989, is amended
23 to read as follows:

24 101.22 REPORT OF EXISTING AND NEW TANKS -- REGISTRATION
25 FEE -- TAG -- PENALTY.

26 1. Except as provided in subsection 2, the owner or
27 operator of an aboveground petroleum storage tank existing on
28 or before July 1, 1989, shall notify the state fire marshal in
29 writing by May 1, 1990, of the existence of each tank and
30 specify the age, size, type, location, and uses of the tank.

31 2. The owner of an aboveground petroleum storage tank
32 taken out of operation between January 1, 1979, and July 1,
33 1989, shall notify the state fire marshal in writing by July
34 1, 1990, of the existence of the tank unless the owner knows
35 the tank has been removed from the site. The notice shall

1 specify, to the extent known to the owner, the date the tank
2 was taken out of operation, the age of the tank on the date
3 taken out of operation, the size, type, and location of the
4 tank, and the type and quantity of substances left stored in
5 the tank on the date that it was taken out of operation.

6 3. An owner or operator which brings into use an
7 aboveground petroleum storage tank after July 1, 1989, shall
8 notify the state fire marshal in writing within thirty days of
9 the existence of the tank and specify the age, size, type,
10 location, and uses of the tank.

11 4. The registration notice of the owner or operator to the
12 state fire marshal under subsections 1 through 3 shall be
13 accompanied by a fee of ten dollars for each tank included in
14 the notice. All moneys collected shall be deposited in the
15 general fund.

16 5. A person who deposits ~~a-regulated-substance~~ petroleum
17 in an aboveground petroleum storage tank shall notify the
18 owner or operator in writing of the notification requirements
19 of this section.

20 6. A person who sells or constructs a tank intended to be
21 used as an aboveground storage tank shall notify the purchaser
22 of the tank in writing of the notification requirements of
23 this section applicable to the purchaser.

24 7. It ~~shall-be~~ is unlawful to deposit ~~a-regulated~~
25 ~~substance~~ petroleum in an aboveground petroleum storage tank
26 which has not been registered pursuant to subsections 1
27 through 5 4.

28 The state fire marshal shall furnish the owner or operator
29 of an aboveground petroleum storage tank with a registration
30 tag for each aboveground petroleum storage tank registered
31 with the state fire marshal. The owner or operator shall
32 affix the tag to the fill pipe of each registered aboveground
33 petroleum storage tank. A person who conveys or deposits a
34 ~~regulated-substance~~ petroleum shall inspect the aboveground
35 petroleum storage tank to determine the existence or absence

1 of the registration tag. If a registration tag is not affixed
2 to the aboveground petroleum storage tank fill pipe, the
3 person conveying or depositing the ~~regulated-substance~~
4 petroleum may deposit the ~~regulated-substance~~ petroleum in the
5 unregistered tank ~~provided-that~~. However, the deposit is
6 allowed only in the single instance, that the person provides
7 the owner or operator with another notice as required by
8 subsection 5, and that the person provides the owner or
9 operator with an aboveground petroleum storage tank
10 registration form. It is the owner or operator's duty to
11 comply with registration requirements. A late registration
12 penalty of twenty-five dollars is imposed in addition to the
13 registration fee for a tank registered after the required
14 date.

15 Sec. 4. NEW SECTION. 101.22A EXEMPTION.

16 An aboveground petroleum storage tank which is subject to
17 regulation or registration under either the federal department
18 of transportation or state department of transportation or
19 both, is exempt from the registration requirements of section
20 101.22.

21 Sec. 5. Section 101.23, Code Supplement 1989, is amended
22 to read as follows:

23 101.23 STATE FIRE MARSHAL REPORTING RULES.

24 The state fire marshal shall adopt rules pursuant to
25 chapter 17A relating to reporting requirements necessary to
26 enable the state fire marshal to maintain an accurate
27 inventory of aboveground petroleum storage tanks.

28 Sec. 6. Section 101.24, subsections 1 and 2, Code
29 Supplement 1989, are amended to read as follows:

30 1. Inspect and investigate the facilities and records of
31 owners and operators of aboveground petroleum storage tanks as
32 ~~may-be~~ necessary to determine compliance with this division
33 and the rules adopted pursuant to this division. An
34 inspection or investigation shall be conducted subject to
35 subsection 4. For purposes of developing a rule, maintaining

1 an accurate inventory, or enforcing this division, the
2 department may:

3 a. Enter at reasonable times any an establishment or other
4 place where an aboveground storage tank is located.

5 b. Inspect and obtain samples from any person of a
6 petroleum or another regulated substance and conduct
7 monitoring or testing of the tanks, associated equipment,
8 contents, or surrounding soils, air, surface water, and
9 groundwater. Each inspection shall be commenced and completed
10 with reasonable promptness.

11 (1) If the state fire marshal obtains a sample, prior to
12 leaving the premises, the fire marshal shall give the owner,
13 operator, or agent in charge a receipt describing the sample
14 obtained and if requested a portion of each sample equal in
15 volume or weight to the portion retained. If the sample is
16 analyzed, a copy of the results of the analysis shall be
17 furnished promptly to the owner, operator, or agent in charge.

18 (2) Documents or information obtained from a person under
19 this subsection shall be available to the public except as
20 provided in this subparagraph. Upon a showing satisfactory to
21 the state fire marshal by a person that public disclosure of
22 documents or information, or a particular part of the
23 documents or information to which the state fire marshal has
24 access under this subsection would divulge commercial or
25 financial information entitled to protection as a trade
26 secret, the state fire marshal shall consider the documents or
27 information or the particular portion of the documents or
28 information confidential. However, the document documents or
29 information may be disclosed to officers, employees, or
30 authorized representatives of the United States charged with
31 implementing the federal Solid Waste Disposal Act, to
32 employees of the state of Iowa or of other states when the
33 document or information is relevant to the discharge of their
34 official duties, and when relevant in any a proceeding under
35 the federal Solid Waste Disposal Act or this division.

1 2. Maintain an accurate inventory of aboveground petroleum
2 storage tanks.

3 Sec. 7. Section 101.28, Code Supplement 1989, is amended
4 to read as follows:

5 101.28 FEES FOR CERTIFICATION INSPECTIONS OF UNDERGROUND
6 STORAGE TANKS.

7 The state fire marshal, the state fire marshal's designee,
8 or a local fire marshal, authorized to conduct underground
9 storage tank certification inspections under section 455G.11,
10 subsection 6, shall charge the person requesting a
11 certification inspection a fee to recover the costs of
12 authorized training, inspection, and inspection program
13 administration subject to rules adopted by the state fire
14 marshal.

15 Sec. 8. Section 455G.2, subsection 13, paragraph c, Code
16 Supplement 1989, is amended to read as follows:

17 c. Has a net worth of ~~two~~ four hundred thousand dollars or
18 less.

19 Sec. 9. Section 455G.10, Code Supplement 1989, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 3A. In calculating the net worth of an
22 applicant for a loan guarantee, the board shall use the fair
23 market value of any property on which a tank is sited, and not
24 the precorrective action value required for recovery of gain
25 upon later sale of the same property under section 455G.9,
26 subsection 6.

27 Sec. 10. Section 455G.11, subsection 6, unnumbered
28 paragraph 2, Code Supplement 1989, is amended to read as
29 follows:

30 The board shall adopt rules requiring certification of tank
31 installations and require certification of a new tank
32 installation as a precondition to offering insurance to an
33 owner or operator or an installer. The board shall set in the
34 rule the effective date for the certification requirement.
35 Certification rules shall at minimum require that an

1 installation be personally inspected by an independent
2 licensed engineer, local fire marshal, or state fire marshal's
3 designee or person unaffiliated with the tank owner, operator,
4 or installer, who is qualified and authorized by the board to
5 perform the required inspection and that the tank and
6 installation of the tank comply with applicable technical
7 standards and manufacturer's instructions and warranty
8 conditions. An inspector shall not be an owner or operator of
9 a tank, or an employee of an owner, operator, or installer.
10 The insurance coverage shall be extended to premium paying
11 installers on or before December 1, 1989. For the period from
12 May 5, 1989, to and including the date that insurance coverage
13 under the fund is extended to installers, the fund shall not
14 seek third-party recovery from an installer.

15 Sec. 11. Section 445G.17, subsections 1 and 2, Code
16 Supplement 1989, are amended to read as follows:

17 1. The board shall adopt certification procedures and
18 standards for the following classes of persons as underground
19 storage tank installation inspectors:

20 a. A licensed engineer, except that if underground storage
21 tank installation is within the scope of practice of a
22 particular class of licensed engineer, additional training
23 shall not be required for that class. A licensed engineer for
24 whom underground storage tank installation is within the scope
25 of practice shall be an "authorized inspector", rather than a
26 "certified inspector".

27 b. A local fire marshal or other person unaffiliated with
28 the tank owner, operator, or installer.

29 2. The board shall adopt approved ~~curricula~~ curriculum for
30 training engineers, local fire marshals, and fire-marshals
31 other unaffiliated persons as a precondition to their
32 certification as underground storage tank installation
33 inspectors.

34
35