

CHAPTER 9  
GROUNDWATER HAZARD DOCUMENTATION

**561—9.1(558) Authority, purpose and application.**

**9.1(1) Authority.** Pursuant to Iowa Code section 558.69, the department is required to adopt rules pertaining to a statement to be submitted to the recorder when recording instruments transferring real property regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous wastes on the property.

**9.1(2) Purpose.** The purpose of these rules is to provide the necessary form, instructions, and explanation of this requirement. It is the purpose of the statute to give notice to the department and the transferee of real property of the condition of the wells, disposal sites, underground storage tanks, and hazardous waste disposal existing on the real estate.

**9.1(3) Applicability.** These rules shall apply to all persons, corporations, and other legal entities who are transferors or transferees of real property within the state of Iowa as well as all county recorders who are called upon to record instruments transferring real property in Iowa.

**9.1(4) Definition.** “Transferor” includes grantor or seller. “Transferor” includes a transferor in any transaction for which a declaration of value must be submitted to the county recorder. Additionally, transferor shall generally mean a person as defined in Iowa Code section 4.1(20) who voluntarily transfers a possessory interest that the person voluntarily acquired in real property. Transferor shall include a transferor in the following transactions that are exempt from the submission of a declaration of value: any proprietary subdivision plat; any recorded lease of land; any voluntary transfer or receipt of real property by governmental entities (excluded examples are transactions such as sheriff’s deed, tax deed, and clerk’s change of title).

**561—9.2(558) Form.**

**9.2(1)** The transferor, their agent or attorney shall sign department Form 542-0960 “Groundwater Hazard Statement,” which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good faith inquiry of the transferor has been made regarding the information contained in the form, and that it is correct.

**9.2(2)** The form shall be submitted to the county recorder at the time that the declaration of value, deed, real estate contract, vendee’s real estate contract assignment, plat, lease or other instrument of real property transfer is filed with the county recorder.

**9.2(3)** If the statement submitted reveals no well, disposal site, underground storage tank, or hazardous waste on the property, the county recorder shall return the original of the statement to the transferee when the recorded instrument is returned. If the statement submitted reveals that there is a well, a disposal site, an underground storage tank, or hazardous waste on the property, the form shall be filed in duplicate so that the original of the statement can be returned to the transferee when the recorded instrument is returned, and the recorder shall send the photocopy or other duplicate suitable for micro-filming of all positive statements filed the preceding month to the department within 15 days after the close of each month.

**9.2(4)** The form shall include the name, address, and social security number of both the transferor and transferee; the street address of the real estate involved; and the legal description of the real estate involved. The form shall set forth the information contained in Iowa Code section 558.69.

These rules are intended to implement Iowa Code section 558.69.

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