

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]**

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 17A.3 and 30.5, the Homeland Security and Emergency Management Department on behalf of the Iowa Emergency Response Commission hereby gives Notice of Intended Action to amend Chapter 104, “Required Reports and Records,” Iowa Administrative Code.

These amendments are intended to update reporting form names, addresses, contact telephone numbers and the conversion of the Department from a division to accurately reflect Iowa Code chapters 29C and 30.

These changes were approved by the Commission at its scheduled meeting held on October 29, 2015.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before December 29, 2015. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324; fax (515)725-3260; or via e-mail to john.benson@iowa.gov.

Also, there will be a public hearing on December 29, 2015, at 11 a.m. in the Department of Homeland Security and Emergency Management Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 30.

The following amendments are proposed.

Amend **605—Chapter 104** as follows:

CHAPTER 104
REQUIRED REPORTS AND RECORDS

605—104.1(30) Department of ~~public defense~~, homeland security and emergency management ~~division~~.

104.1(1) *Emergency planning notification.* The owner or operator of each facility subject to the planning notification requirement shall notify the ~~department of public defense, homeland security and emergency management division, department~~ that the facility is subject to the requirements of Section 302, Emergency Planning and Community Right-to-know Know Act, 42 U.S.C. 11002. The notification is to be on the Tier ~~Two~~ II form specified in subrule 104.2(4). The facility owner or operator shall submit the notification to the department of natural resources by March 1 for covered chemicals in its possession. If the facility is reporting chemicals to the department of natural resources on the Tier ~~Two~~ II form pursuant to subrule 104.2(4), a duplicate report is not required. The report shall be revised by a notification on the Tier ~~Two~~ II form within 60 days after the acquisition of chemicals meeting the notification requirements and reported to the homeland security and emergency management ~~division~~ department.

104.1(2) No change.

104.1(3) Submissions. Plans and notifications required under this rule shall be submitted to the ~~Department of Public Defense, Homeland Security and Emergency Management Division~~ Department, Hoover State Office Building 7900 Hickman Road, Level A Suite 500, Des Moines Windsor Heights, Iowa 50319 50324.

This rule is intended to implement Iowa Code sections 30.5 and 30.9.

605—104.2(30) Department of natural resources.

104.2(1) Emergency notifications of releases. Each release subject to the requirements of Section 304, Emergency Planning and Community Right-to-know ~~Know~~ Act, 42 U.S.C. 11004, shall be submitted to the department of natural resources. This notification shall be done in conjunction with the notification required by 567—131.2(455B). Notifications of release shall be telephoned to the department at (515)~~281-8694~~ 725-8694 immediately. A written follow-up emergency notice shall be made within 30 days.

104.2(2) Toxic chemical release form. The owner or operator of a facility subject to the requirements of Section 313, Emergency Planning and Community Right-to-know ~~Know~~ Act, 42 U.S.C. 11023, shall submit information required by EPA regulations to the department of natural resources. The information for the previous calendar year shall be submitted by July 1 of the following year.

104.2(3) ~~Material safety~~ Safety data sheet information. The owner or operator of a facility required to prepare or have available a ~~material~~ safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit a list of each chemical required to be submitted under Section 311, Emergency Planning and Community Right-to-know ~~Know~~ Act, 42 U.S.C. 11021. The list shall be submitted to the department of natural resources and to the appropriate local emergency planning committee (LEPC) and the fire department in whose jurisdiction the facility is located. The submission of ~~material~~ safety data sheets in lieu of a list is not permitted. A form is not designated.

104.2(4) Emergency and hazardous chemical inventory form (~~Tier One I~~ Tier Two II). The owner or operator of a facility required to prepare or have available a ~~material~~ safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit emergency and hazardous chemical inventory information required to be submitted under Section 312, Emergency Planning and Community Right-to-know ~~Know~~ Act, 42 U.S.C. 11022. The information shall be submitted to the department of natural resources, the appropriate local emergency planning committee (LEPC), and the fire department within whose jurisdiction the facility is located by March 1 for the chemicals in its inventory the preceding calendar year. Tier ~~One I~~ forms will not be accepted. The information shall be submitted on the Iowa Tier ~~Two II~~ form or in any electronic format approved by the department of natural resources.

104.2(5) Submissions. Written notifications and reports required under this rule shall be submitted to the Department of Natural Resources, ~~Wallace State Office Building~~ 7900 Hickman Road, Suite 200, Des Moines Windsor Heights, Iowa 50319 50324. For additional information, see rule 567—131.2(455B).

This rule is intended to implement Iowa Code sections 30.5 and 30.8.

605—104.3(30) Department of employment services, labor services division. Rescinded IAB 2/13/08, effective 3/19/08.