

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

Adopted and Filed

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 amends Chapter 104, “Required Reports and Records,” Iowa Administrative Code.

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

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

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2281C** on December 9, 2015. A public hearing was held on December 29, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on January 13, 2016.

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

These amendments are intended to implement Iowa Code chapter 30.

These amendments will become effective March 9, 2016.

The following amendments are adopted.

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 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.

[Filed 1/13/16, effective 3/9/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/3/16.