

**PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD,
IOWA COMPREHENSIVE[591]**

Notice of Intended Action

Proposing rule making related to waivers and providing an opportunity for public comment

The Iowa Comprehensive Petroleum Underground Storage Tank Fund Board hereby proposes to amend Chapter 16, “Waivers and Variances,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455G.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

The purpose of this proposed rule making is to update the Board’s administrative rules in accordance with changes included in 2020 Iowa Acts, House File 2389, section 10. The changes call for removal of the word “variance” when the word is used in relation to “waiver.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 591—Chapter 16.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on June 8, 2021. Comments should be directed to:

James Gastineau
Administrator, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board
Wallace State Office Building
502 East 9th Street, Fifth Floor
Des Moines, Iowa 50319
Phone: 515.725.8450
Email: james.gastineau@dnr.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **591—Chapter 16**, title, as follows:

WAIVERS AND VARIANCES

ITEM 2. Amend rule 591—16.1(17A) as follows:

591—16.1(17A) Definition. The term “waiver” as used in this chapter means a described waiver ~~or variance~~ from a specific rule or set of rules of this board applicable only to an identified person on the basis of the particular circumstances of that person.

ITEM 3. Amend rule 591—16.8(17A) as follows:

591—16.8(17A) Contents of petition. A petition for a waiver shall include the following information where applicable and known to the requester:

1. to 4. No change.
5. A history of any prior contacts between the petitioner and the board relating to the activity affected by the proposed waiver ~~or variance~~, including any notices of violation, contested case hearings, or investigative reports relating to the activity within the last five years.
6. No change.
7. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the granting of a waiver ~~or variance~~.
8. to 11. No change.