161.6 Prioritization.

1. The board may adopt rules to establish criteria for the classification and prioritization of sites upon which contamination has been discovered, subject to a plan for remediation as provided in section 161.8.

2. A contaminated site shall be classified as either high, medium, or low priority.

a. A site shall be considered high priority under any of the following conditions:

(1) Groundwater contamination exceeds action levels and is affecting or likely to affect groundwater used as a drinking water source.

(2) Contamination is affecting or likely to affect surface water bodies to a level which exceeds surface water quality standards under section 455B.173.

(3) Contamination is discovered in an ecologically sensitive area. An ecologically sensitive area is one which is designated by the department.

b. A site shall be considered medium priority if contamination of groundwater exceeds action levels, but does not meet the criteria for classification as a high priority site.

c. A site shall be considered low priority under any of the following conditions:

(1) If soil contamination exists at the site, but no groundwater contamination exists at the site.

(2) If soil contamination exists and groundwater contamination has been discovered, but is below action levels.

3. A site shall be reclassified as a site with a higher or lower classification when the site falls within a higher or lower classification, as provided in a plan for remediation pursuant to section 161.8.

4. The remediation of a site classified under this section shall be administered as follows:

a. For a high priority site, soil and groundwater site cleanup shall include active site cleanup where technically feasible, until such time as the groundwater contamination levels are below action levels.

b. For a medium priority site, the remediation shall include either monitoring or active or passive site cleanup as determined by the department on a site-by-site basis upon considering the findings of the plan of remediation. However, the remediation shall at least be the same remediation required if the site were classified as a low priority site.

c. For a low priority site, the remediation shall include active site cleanup, if the site cleanup would be more practical and cost-effective than monitoring. If active site cleanup for soil is undertaken, no further action shall be required on the site. If active site cleanup for soil is not undertaken, the site shall be monitored, for a specified period of time as determined by the department.

5. Contaminated groundwater and soil shall be applied on land in accordance with rules adopted by the department. The application rate shall not exceed a level which precludes the resumption of normal farming practices within a two-year period.

6. This chapter does not affect the ability of the department or the United States environmental protection agency to require monitoring or remediation on sites that are placed on the national priorities list pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act.

2000 Acts, ch 1184, §6; 2002 Acts, ch 1119, §138