

**101.21 Definitions.**

As used in this division unless the context otherwise requires:

1. “Aboveground flammable or combustible liquid storage tank” means one or a combination of tanks, including connecting pipes connected to the tanks which are used to contain an accumulation of flammable or combustible liquid and the volume of which, including the volume of the underground pipes, is more than ninety percent above the surface of the ground. Aboveground flammable or combustible liquid storage tank does not include any of the following:

a. An aboveground tank which complies with any of the following:

(1) Has one thousand one hundred gallons or less capacity.

(2) Stores flammable liquids on a farm located outside the limits of a city, if the aboveground tank has two thousand gallons or less capacity.

(3) Stores combustible liquids on a farm located outside the limits of a city, if the aboveground tank has five thousand gallons or less capacity.

b. A tank used for storing heating oil for consumptive use on the premises where stored.

c. An underground storage tank as defined by section 455B.471.

d. A flow-through process tank, or a tank containing a regulated substance, other than motor fuel used for transportation purposes, for use as part of a manufacturing process, system, or facility.

2. a. “Farm” means land and associated improvements used to produce agricultural commodities, if at least one thousand dollars is annually generated from the sale of the agricultural commodities.

b. As used in paragraph “a”, “commodities” means crops as defined in section 202.1 or animals as defined in section 459.102.

3. “Operator” means a person in control of, or having responsibility for, the daily operation of an aboveground flammable or combustible liquid storage tank.

4. “Owner” means:

a. In the case of an aboveground flammable or combustible liquid storage tank in use on or after July 1, 1989, a person who owns the aboveground flammable or combustible liquid storage tank used for the storage, use, or dispensing of flammable or combustible liquid.

b. In the case of an aboveground flammable or combustible liquid storage tank in use before July 1, 1989, but no longer in use on or after that date, a person who owned the tank immediately before the discontinuation of its use.

5. “Release” means spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an aboveground flammable or combustible liquid storage tank into groundwater, surface water, or subsurface soils.

6. “State fire marshal” means the state fire marshal or the state fire marshal’s designee.

7. “Tank site” means a tank or grouping of tanks within close proximity of each other located on a facility for the purpose of storing flammable or combustible liquid.

89 Acts, ch 131, §4; 90 Acts, ch 1235, §2; 2006 Acts, ch 1142, §83; 2010 Acts, ch 1014, §7; 2011 Acts, ch 34, §31; 2013 Acts, ch 127, §8, 9

Referred to in §424.2

[T] Subsection 1, paragraphs a - c amended

[T] NEW subsection 2 and former subsections 2 - 6 renumbered as 3 - 7