

455I.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Activity and use limitations*” means restrictions or obligations created under this chapter with respect to real property. “*Activity and use limitations*” may include, but is not limited to, restrictions on installation of water wells and other exposure receptors, construction of surface and subsurface structures, disturbance of and maintenance of soil caps and technological controls, and land use classifications such as residential, nonresidential, or industrial.

2. “*Agency*” means the department of natural resources created by section 455A.2 or any other state department or federal agency that determines or approves the environmental response project pursuant to which an environmental covenant is created.

3. “*Common interest community*” means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person’s ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums for, or for maintenance or improvement of, other real property described in a recorded covenant that creates the common interest community.

4. “*Environmental covenant*” means a servitude arising under an environmental response project that imposes activity and use limitations or the written document creating such servitude.

5. “*Environmental response project*” means a plan or work performed for environmental remediation or flood control affecting real property and conducted under or by one of the following:

a. A federal or state program that is subject to the jurisdiction of an agency, including but not limited to programs established by chapters 455B and 455G, corrective or response actions pursuant to 42 U.S.C. § 6901 et seq., and remedial actions under 42 U.S.C. § 9601 et seq.

b. A federal or state program for the replacement or protection of ecological features including wetlands.

c. A state voluntary cleanup program authorized in chapter 455H.

d. An incident to a closure conducted with approval of an agency of a solid or hazardous waste management unit, a sanitary disposal project, or an underground storage tank.

6. “*Grantor*” means any person with sufficient fee title or other property ownership interests necessary to create a valid environmental covenant under Iowa law.

7. “*Holder*” means the grantee of an environmental covenant as specified in section 455I.3, subsection 1.

8. “*Person*” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

9. “*Record*”, used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

2005 Acts, ch 102, §6; 2012 Acts, ch 1018, §5, 7

Referred to in §455H.103

[P] Validity and enforceability under this chapter of certain instruments entered into on or after July 1, 1992, and before July 1, 2012, and declared as environmental covenants by July 1, 2013; 2012 Acts, ch 1018, §7