

### 30.2 Department powers and duties.

1. The department has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to [chapter 17A](#). All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. The department may enter into agreements pursuant to [chapter 28E](#) to accomplish any duty imposed upon the department by the Emergency Planning and Community Right-to-know Act, but the department shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the department under [sections 30.3](#) and [30.4](#) shall be included in the budgets of the department of natural resources and the department of homeland security and emergency management.

3. The department may request from any state agency or official the information and assistance necessary to perform the duties of the department. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

4. The department shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The department may, upon request, revise its designations of districts and appointments of committee members.

5. The department shall supervise and coordinate the activities of the committees.

6. Upon request by a state or local official or any person, the department shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, and provide the information to the requesting party.

7. The department shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

8. The department shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

9. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003, shall be submitted to the department. After initial submission, a plan need not be resubmitted unless revisions are requested by the department. The department shall review the plan and shall incorporate the provisions of the plan into its responsibilities under [chapter 29C](#).

10. The department shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

[89 Acts, ch 204, §6](#)

[CS89, §30.5](#)

[96 Acts, ch 1186, §23; 2007 Acts, ch 211, §31; 2013 Acts, ch 29, §29; 2017 Acts, ch 28, §5, 11 C2018, §30.2](#)

Former §30.2 repealed by 2017 Acts, ch 28, §10

Section transferred from §30.5 in Code 2018 pursuant to directive in 2017 Acts, ch 28, §11

Section amended