

**101.24 Duties and powers of the director.**

The director shall:

1. Inspect and investigate the facilities and records of owners and operators of aboveground flammable or combustible liquid storage tanks with a capacity of fifteen thousand or more gallons, as necessary to determine compliance with [this subchapter](#) and the rules adopted pursuant to [this subchapter](#). An inspection or investigation shall be conducted subject to [subsection 4](#). For purposes of developing a rule, maintaining an accurate inventory, or enforcing [this subchapter](#), the department of inspections, appeals, and licensing may:

a. Enter at reasonable times an establishment or other place where an aboveground storage tank is located.

b. Inspect and obtain samples from any person of flammable or combustible liquid or another regulated substance and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, and groundwater. Each inspection shall be commenced and completed with reasonable promptness.

(1) If the director obtains a sample, prior to leaving the premises, the director shall give the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each sample equal in volume or weight to the portion retained. If the sample is analyzed, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

(2) Documents or information obtained from a person under [this subsection](#) shall be available to the public except as provided in this subparagraph. Upon a showing satisfactory to the director by a person that public disclosure of documents or information, or a particular part of the documents or information to which the director has access under [this subsection](#) would divulge commercial or financial information entitled to protection as a trade secret, the director shall consider the documents or information or the particular portion of the documents or information confidential. However, the documents or information may be disclosed to officers, employees, or authorized representatives of the United States charged with implementing the federal Solid Waste Disposal Act, to employees of the state of Iowa or of other states when the document or information is relevant to the discharge of their official duties, and when relevant in a proceeding under the federal Solid Waste Disposal Act or [this subchapter](#).

2. Maintain an accurate inventory of aboveground flammable or combustible liquid storage tanks.

3. Take any action allowed by law which, in the director's judgment, is necessary to enforce or secure compliance with [this subchapter](#) or any rule adopted pursuant to [this subchapter](#).

4. Conduct investigations of complaints received directly, referred by other agencies, or other investigations deemed necessary. While conducting an investigation, the director may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of [this subchapter](#) or the rules or standards adopted under [this subchapter](#). However, the owner or person in charge shall be notified.

a. If the owner or operator of any property refuses admittance, or if prior to such refusal the director demonstrates the necessity for a warrant, the director may make application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.

b. In the application the director shall state that an inspection of the premises is mandated by the laws of this state or that a search of certain premises, areas, or things designated in the application may result in evidence tending to reveal the existence of violations of public health, safety, or welfare requirements imposed by statutes, rules, or ordinances established by the state or a political subdivision of the state. The application shall describe the area, premises, or thing to be searched, give the date of the last inspection if known, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of the desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry

out the purpose of the statute, rule, or ordinance pursuant to which inspection is to be made. If an item of property is sought by the director, it shall be identified in the application.

c. If the court is satisfied from the examination of the applicant, and of other witnesses, if any, and of the allegations of the application of the existence of the grounds of the application, or that there is probable cause to believe in their existence, the court may issue a search warrant.

d. In making inspections and searches pursuant to the authority of [this subchapter](#), the director must execute the warrant as follows:

(1) Within ten days after its date.

(2) In a reasonable manner, and any property seized shall be treated in accordance with the provisions of [chapters 808](#) and [809](#).

(3) Subject to any restrictions imposed by the statute, rule or ordinance pursuant to which inspection is made.

[89 Acts, ch 131, §7](#); [90 Acts, ch 1235, §6](#); [2000 Acts, ch 1224, §24](#); [2010 Acts, ch 1014, §11](#); [2016 Acts, ch 1011, §121](#); [2023 Acts, ch 19, §1536](#); [2023 Acts, ch 119, §15](#)

Section amended