

558.69 Groundwater hazard statement — requirements — liability.

1. With each declaration of value submitted to the county recorder under [chapter 428A](#), except as specified in [subsection 8](#), there shall be submitted a groundwater hazard statement stating all of the following:

a. Whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site.

b. That no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to [section 455B.190](#) or [460.302](#).

c. That no known disposal site for solid waste, as defined in [section 455B.301](#), which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a known disposal site does exist, the location of the site on the property.

d. That no known underground storage tank, as defined in [section 455B.471](#), [subsection 11](#), exists on the property, or if a known underground storage tank does exist, the type and size of the tank, and any known substance in the tank.

e. That no known hazardous waste as defined in [section 455B.411](#), [subsection 3](#), exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources.

f. That no known private sewage disposal system exists on the property or, if such private sewage disposal system exists, that the system has been inspected pursuant to [section 455B.172](#), [subsection 11](#), or that the property is not subject to inspection due to its exclusion from a regulated transfer pursuant to [section 455B.172](#), [subsection 11](#), paragraph “a”.

2. The groundwater hazard statement shall be signed by at least one of the sellers or their agents.

3. A buyer of property shall be provided with a copy of the submitted groundwater hazard statement, if required under [this section](#), by the seller.

4. The land application of sludges or soils resulting from the remediation of underground storage tank releases accomplished in compliance with department of natural resources rules without a permit is not required to be reported as the disposal of solid waste or hazardous waste.

5. The director of the department of natural resources shall prescribe the form of the groundwater hazard statement.

6. The county recorder shall transmit the groundwater hazard statements to the department of natural resources. Groundwater hazard statements may be transmitted electronically to the department or may be presented to the department through a browser interface provided through the county land record information system. The form and timing of the transmittal shall be determined by the department and the county recorders.

7. The owner of the property is responsible for the accuracy of the information submitted on the groundwater hazard statement. The owner’s agent and the preparer of the groundwater hazard statement shall not be liable for the accuracy of information provided by the owner of the property unless the owner’s agent or the preparer of the groundwater hazard statement has direct knowledge contrary to the submitted statement. The provisions of [this subsection](#) do not limit liability which may be imposed under a contract or under any other law.

8. a. If there are no conditions present, as described in [subsection 1](#), then a groundwater hazard statement shall not be submitted. In lieu of the submission of a groundwater hazard statement, any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed shall include on the first page of the deed, instrument, or writing the following statement:

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code

[section 558.69](#), and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

b. The owner of the property is responsible for the accuracy of the statement provided in paragraph “a”.

c. The owner’s agent and the preparer of a statement included pursuant to paragraph “a” shall not be liable for information pertaining to the statement unless the owner’s agent or the preparer has direct knowledge contrary to the included statement.

9. a. If a required declaration of value is not accompanied by a groundwater hazard statement, if required under [this section](#), or if the first page of the deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed does not include the statement provided in [subsection 8](#), paragraph “a”, if required under [this section](#), the county recorder shall refuse to record the deed, instrument, or writing.

b. A recording in violation of [this subsection](#) shall not be the basis for invalidating the deed, instrument, or writing.

10. Notwithstanding [section 331.604](#) or any other provision of law to the contrary, the county recorder shall not charge or collect a fee for the submission or filing of a groundwater hazard statement.

[87 Acts, ch 225, §307; 88 Acts, ch 1169, §16, 17; 90 Acts, ch 1235, §42; 99 Acts, ch 140, §1; 2006 Acts, ch 1014, §9; 2010 Acts, ch 1120, §6; 2011 Acts, ch 9, §8; 2019 Acts, ch 89, §7; 2022 Acts, ch 1028, §1 – 4](#)

Referred to in [§331.606B](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 3 stricken

Subsection 4 amended and renumbered as 3 and former subsections 5 and 6 renumbered as 4 and 5

Subsections 7 and 8 amended and renumbered as 6 and 7

NEW subsections 8 and 9 and former subsection 9 renumbered as 10