

CHAPTER 104  
REQUIRED REPORTS AND RECORDS  
[Prior to 12/23/92, Disaster Services Division(607) Ch 104]

**605—104.1(30) Department of public defense, emergency management division.**

**104.1(1) *Emergency planning notification.*** The owner or operator of each facility subject to the planning notification requirement shall notify the department of public defense, emergency management division, that the facility is subject to the requirements of Section 302, Emergency Planning and Community Right-to-know Act, 42 U.S.C. 11002. The notification is to be on the Tier Two form specified in subrule 104.2(4). The facility owner or operator shall submit the notification to the department of natural resources by March 1 for covered chemicals in its possession. If the facility is reporting chemicals to the department of natural resources on the Tier Two form pursuant to subrule 104.2(4), a duplicate report is not required. The report shall be revised by a notification on the Tier Two form within 60 days after the acquisition of chemicals meeting the notification requirements and reported to the homeland security and emergency management division.

**104.1(2) *Plan development.*** Each local emergency planning committee (LEPC) shall prepare a comprehensive emergency response plan(s) pursuant to 42 U.S.C. 11033 which shall become an integrated portion of the emergency plan established by the joint administration. Where a local emergency planning district exceeds the jurisdictional boundaries of a single joint administration, a comprehensive emergency response plan shall be developed for each joint administration at least annually. The plan shall be reviewed and revised as necessary. The joint administration shall not change the plan without the approval of the LEPC.

**104.1(3) *Submissions.*** Plans and notifications required under this rule shall be submitted to the Department of Public Defense, Emergency Management Division, Hoover State Office Building, Level A, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code sections 30.5 and 30.9.

**605—104.2(30) Department of natural resources.**

**104.2(1) *Emergency notifications of releases.*** Each release subject to the requirements of Section 304, Emergency Planning and Community Right-to-know Act, 42 U.S.C. 11004, shall be submitted to the department of natural resources. This notification shall be done in conjunction with the notification required by 567—131.2(455B). Notifications of release shall be telephoned to the department at (515)281-8694 immediately. A written follow-up emergency notice shall be made within 30 days.

**104.2(2) *Toxic chemical release form.*** The owner or operator of a facility subject to the requirements of Section 313, Emergency Planning and Community Right-to-know Act, 42 U.S.C. 11023, shall submit information required by EPA regulations to the department of natural resources. The information for the previous calendar year shall be submitted by July 1 of the following year.

**104.2(3) *Material safety data sheet information.*** The owner or operator of a facility required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit a list of each chemical required to be submitted under Section 311, Emergency Planning and Community Right-to-know Act, 42 U.S.C. 11021. The list shall be submitted to the department of natural resources and to the appropriate local emergency planning committee (LEPC) and the fire department in whose jurisdiction the facility is located. The submission of material safety data sheets in lieu of a list is not permitted. A form is not designated.

**104.2(4) *Emergency and hazardous chemical inventory form (Tier Two).*** The owner or operator of a facility required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit emergency and hazardous chemical inventory information required to be submitted under Section 312, Emergency Planning and Community Right-to-know Act, 42 U.S.C. 11022. The information shall be submitted to the department of natural resources, the appropriate local emergency planning committee (LEPC), and the fire department within whose jurisdiction the facility is located by March 1 for the

chemicals in its inventory the preceding calendar year. Tier One forms will not be accepted. The information shall be submitted on the Iowa Tier Two form or in any electronic format approved by the department of natural resources.

**104.2(5) Submissions.** Written notifications and reports required under this rule shall be submitted to the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. For additional information, see rule 567—131.2(455B).

This rule is intended to implement Iowa Code sections 30.5 and 30.8.

**605—104.3(30) Department of employment services, labor services division.** Rescinded IAB 2/13/08, effective 3/19/08.

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