

CHAPTER 224
ABOVEGROUND FLAMMABLE OR COMBUSTIBLE LIQUID STORAGE TANKS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—224.1(101) Scope. These rules apply to aboveground flammable or combustible liquid storage tanks, as defined in Iowa Code section 101.21.

224.1(1) The aboveground flammable or combustible liquid storage tanks program is located at the following address:

State Fire Marshal Division
Iowa Department of Public Safety
Attn: Aboveground Storage Tank Administration
215 East 7th Street
Des Moines, Iowa 50319

224.1(2) The program may be contacted by electronic mail at sfmast@dps.state.ia.us or by the United States Postal Service.

224.1(3) The website for the aboveground flammable or combustible liquid storage tanks program is: dps.iowa.gov/divisions/state-fire-marshal/licensing/above-ground-storage-tanks.

[ARC 5409C, IAB 1/27/21, effective 3/3/21]

661—224.2(101) Definitions. The following definitions apply to the rules in this chapter:

“Aboveground flammable or combustible liquid storage tank” means one or a combination of tanks, including connecting pipes connected to the tanks which are used to contain an accumulation of flammable or combustible liquid and the volume of which, including the volume of the underground pipes, is more than 90 percent above the surface of the ground. “Aboveground flammable or combustible liquid storage tank” does not include any of the following:

1. Aboveground tanks of 1100 gallons or less capacity.
2. Tanks used for storing heating oil for consumptive use on the premises where stored.
3. Underground storage tanks as defined by Iowa Code section 455B.471.
4. A flow-through process tank, or a tank containing a regulated substance, other than motor fuel used for transportation purposes, for use as part of a manufacturing process, system, or facility.
5. An aboveground tank that stores flammable liquids on a farm located outside the limits of a city if the aboveground tank has 2000 gallons or less capacity.
6. An aboveground tank that stores combustible liquids on a farm located outside the limits of a city if the aboveground tank has 5000 gallons or less capacity.

“Combustible liquid” means any liquid that has a closed-cup flash point greater than or equal to 100 degrees Fahrenheit.

“Commodities” means crops as defined in Iowa Code section 202.1 or animals as defined in Iowa Code section 459.102.

“Farm” means land and associated improvements used to produce agricultural commodities, if at least \$1000 is annually generated from the sale of the agricultural commodities.

“Flammable liquid” means a liquid with a closed-cup flash point below 100 degrees Fahrenheit and a Reid vapor pressure not exceeding 40 psi absolute, 2026.6 mm Hg, at 100 degrees Fahrenheit.

“Liquefied natural gas” means a fuel in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

“Liquefied petroleum gas” means material composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes.

“Operator” means a person in control of, or having responsibility for, the daily operation of an aboveground flammable or combustible liquid storage tank.

“*Owner*” means: in the case of an aboveground flammable or combustible liquid storage tank in use on or after July 1, 1989, a person who owns the aboveground flammable or combustible liquid storage tank used for the storage, use, or dispensing of flammable or combustible liquid, or in the case of an aboveground flammable or combustible liquid storage tank in use before July 1, 1989, but no longer in use on or after that date, a person who owned the tank immediately before the discontinuation of its use.

“*Petroleum*” means petroleum as defined in Iowa Code section 455B.471.

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661—224.3(101) Compliance. Any tank subject to the provisions of this chapter shall be in compliance with this chapter, all applicable provisions of 661—Chapter 221, and Iowa Code chapter 101 at all times.

661—224.4(101) Registration of existing and new tanks—fees. All existing, new, replacement and out-of-service aboveground tanks of 1101-gallon capacity or greater shall be registered with the state fire marshal. This requirement applies to aboveground tanks used to store flammable or combustible liquids, as defined in Iowa Code section 455B.471, which include, but are not limited to, crude oil, heating oil offered for resale, motor fuels and oils such as gasoline, diesel fuels and motor oil. Tanks which are used, or planned for use, to store blended fuels which include either gasoline or diesel are subject to this requirement.

224.4(1) Registration form. Registration forms for aboveground storage tanks may be obtained from the state fire marshal division. A completed registration form shall be submitted to the state fire marshal division, online or by mail as established in rule 661—224.1(101), by the date on which it is due and shall be accompanied by the applicable fee, including any applicable late charges.

224.4(2) Fees. The annual registration fee for each tank shall be \$20. The fee shall cover registration for each tank for one year, which ends on October 1. If a tank is registered on or after October 1 of any year, payment of the fee shall cover registration until the following October 1.

224.4(3) Registration deadline. Each tank shall be registered annually by October 1 of each year.

Exception:

A tank may be registered for the first time on any date without penalty, provided that it has not previously been in use to store flammable or combustible liquids. A tank that is registered for the first time shall not be used to store flammable or combustible liquid until the registration has been completed and the registration tag has been attached to the tank.

224.4(4) Late fees. A late fee of \$25 per tank shall be imposed for failure to register a tank prior to October 31 each year. The fee shall apply individually to each tank for which registration was not completed prior to October 31.

224.4(5) Payment. The registration fee, and any late fee if applicable, shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Iowa State Fire Marshal Division. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 224.1(1). Payment shall not be made in cash.

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661—224.5(101) Approval of plans. A registration tag for a new aboveground storage tank shall not be issued prior to approval by the state fire marshal of plans for the installation of the tank and payment of the required plan review and registration fee. The state fire marshal may require inspection of the tank and payment of an inspection fee prior to use of the tank.

[ARC 5409C, IAB 1/27/21, effective 3/3/21]

661—224.6(101) Inspections and orders.

224.6(1) Inspections. Any tank is subject to inspection at any time by the state fire marshal, an employee of the state fire marshal, a local fire chief, or any member of the local fire department designated by the local fire chief. Any of the persons listed who seeks to inspect a tank pursuant to this rule shall, upon request, be allowed access to any facility in which a tank or tanks are located. At any time such a facility is attended, the attendant shall allow immediate access to the facility to the person who requests access to the facility in order to conduct an inspection. If a facility is unattended, the person who seeks to conduct the

inspection shall notify the owner or operator of the facility. During regular business hours, or between 8 a.m. and 4 p.m. Monday through Friday, access shall be allowed within one hour of notification. If access is sought other than during regular business hours, access shall be provided at 8 a.m. on the next weekday other than a holiday. If the person who seeks access to the facility indicates that access is being sought to investigate an emergency or potential emergency, the owner of the facility shall provide access within one hour of receiving the request, regardless of the time of day or day of the week when the request is received.

224.6(2) Orders. If the person who conducts an inspection pursuant to subrule 224.6(1) finds that a tank is in violation of any applicable provision of this chapter, 661—Chapter 221, or Iowa Code chapter 101, the person may issue an order for correction. The order shall specify the violation or violations, corrective actions to be taken, and the time allowed for completion of the corrective actions.

224.6(3) Suspension of use. If any corrective action ordered pursuant to subrule 224.6(2) is not completed in the time specified in the order issued pursuant to subrule 224.6(2), the state fire marshal may order that the tank be placed out of service until the corrective action or actions have been completed. If a tank is ordered to be placed out of service pursuant to this subrule, the tank shall have a sticker prominently affixed to it which states that the tank is out of service by order of the state fire marshal and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

224.6(4) Emergency order. If the state fire marshal finds that a violation identified during an inspection conducted pursuant to subrule 224.6(1) creates an imminent threat to public safety or public health, or if the state fire marshal finds, after consultation with the department of natural resources, that such a violation creates an imminent threat of environmental damage, the state fire marshal shall order that the tank be placed out of service immediately and may order that the tank be evacuated of liquid and purged of vapors. If a tank is ordered to be placed out of service pursuant to this subrule, the tank shall have a sticker prominently affixed to it which states that the tank is out of service by order of the state fire marshal and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

224.6(5) Notice. Notice of any order issued pursuant to this rule shall be given to the owner or operator of a tank subject to the order. Notice of an emergency order issued pursuant to subrule 224.6(4) shall be given by personal service. Notice of any other order issued pursuant to this rule may be given by regular mail, electronic mail, or personal service.

Exception:

If the owner of a tank subject to an order issued pursuant to this rule is unknown or cannot be located, notice shall be considered to have been given if the notice is served personally to any person at the location of the tank or, if no person is present, by affixing the notice to the tank. Alternatively, notice may be given by mailing the notice to the address at which the tank is located, with a return receipt requested. Notification from the United States Postal Service that delivery was attempted unsuccessfully or that delivery was refused shall serve as proof that notice was given.

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661—224.7(101) Leaks, spills, or damage. Any leak from, spill from, or damage to a storage tank shall be reported to the local fire department and, if required by law, to the department of natural resources. If a tank is leaking or has been damaged, it shall be placed out of service until the leak has been repaired. A sign shall be placed prominently on the tank stating that the tank is out of service and that no flammable or combustible liquid shall be placed into the tank until required repairs have been completed.

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661—224.8(101) Civil penalty. The state fire marshal may impose a civil penalty upon the owner of a storage tank for any of the following:

1. Failure to register a storage tank currently being used to store a flammable or combustible liquid if the registration is more than 30 days late.
2. Allowing any flammable or combustible liquid to be placed into a tank which has been ordered to be placed out of service and for which the order has not been rescinded or allowing any flammable or combustible liquid to be placed into any tank which has been damaged or is leaking, if the damage or leak has not been repaired.

A civil penalty issued pursuant to this rule and to Iowa Code section 101.26 shall not exceed \$100 for each day during which the violation occurs or \$1000 in total.

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661—224.9(17A,101) Appeals. Any order or civil penalty issued pursuant to this chapter may be appealed using the procedures specified in 661—Chapter 10, except that each time “commissioner” or “commissioner of public safety” appears, it shall be replaced by “state fire marshal.”

224.9(1) Any order or civil penalty appealed pursuant to this rule shall be stayed until the issuance of a final agency decision.

Exception:

An emergency order issued pursuant to subrule 224.6(4) shall not be stayed and shall take effect immediately upon notification of the order to the owner of the tank.

224.9(2) Reserved.

These rules are intended to implement Iowa Code sections 101.21 through 101.27.

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