

CHAPTER 104
REQUIRED REPORTS AND RECORDS

605—104.1(30) Department of homeland security and emergency management.

104.1(1) *Emergency planning notification.* The owner or operator of each facility subject to the planning notification requirement shall notify the homeland security and emergency management department 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 II 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 II form pursuant to subrule 104.2(4), a duplicate report is not required. The report shall be revised by a notification on the Tier II form within 60 days after the acquisition of chemicals meeting the notification requirements and reported to the homeland security and emergency management department.

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 Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

This rule is intended to implement Iowa Code section 30.2.

[ARC 2386C, IAB 2/3/16, effective 3/9/16; ARC 6828C, IAB 1/25/23, effective 3/1/23]

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)725-8694 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) *Safety data sheet information.* The owner or operator of a facility required to prepare or have available a 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 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 II).* The owner or operator of a facility required to prepare or have available a 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 I forms will not be accepted. The information

shall be submitted on the Iowa Tier II 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, EPCRA, 502 East 9th Street, Des Moines, Iowa 50319. Additional information can be found in rule 567—131.2(455B).

This rule is intended to implement Iowa Code sections 30.2 and 30.4.
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