

CHAPTER 9
GROUNDWATER HAZARD DOCUMENTATION

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

561—9.1(558) Authority, purpose and application.

9.1(1) Authority. Pursuant to Iowa Code section 558.69, the department is required to adopt rules pertaining to a statement to be submitted to the recorder when recording instruments transferring real property regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous wastes on the property.

9.1(2) Purpose. The purpose of these rules is to provide the necessary forms, instructions, and explanation of this requirement. It is the purpose of the statute to give notice to the transferee of real property of the condition of the wells, disposal sites, underground storage tanks, hazardous waste disposal, and private burial sites existing on the real estate.

9.1(3) Applicability. These rules shall apply to all persons, corporations, and other legal entities who are transferors or transferees of real property within the state of Iowa as well as all county recorders who are called upon to record instruments transferring real property in Iowa.

9.1(4) When groundwater hazard statement is required. A groundwater hazard statement shall be presented to the county recorder along with the real estate transaction documents only when required by Iowa Code section 558.69 or when otherwise required by Iowa law.

[ARC 7588B, IAB 2/25/09, effective 4/1/09; ARC 7973B, IAB 7/29/09, effective 6/29/09; ARC 6790C, IAB 1/11/23, effective 2/15/23]

561—9.2(558) Form.

9.2(1) The department hereby adopts by reference Form 542-0960, “Groundwater Hazard Statement” (February 1, 2023), which may be obtained from the department or local county recorder.

a. When a groundwater hazard statement is required to be presented to a county recorder pursuant to subrule 9.1(2), the transferor or the transferor’s agent or attorney shall complete and present Form 542-0960. The transferor’s agent or attorney may sign the form on behalf of the transferor, but in doing so the agent or attorney represents that a good-faith inquiry of the transferor has been made regarding the information contained in the form and that the information is correct.

b. For all real estate transactions where a groundwater hazard statement is required to be submitted to a county recorder pursuant to subrule 9.1(4) and where the real estate transaction is dated after February 1, 2023, a county recorder shall accept only the currently adopted form. The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.

9.2(2) The form shall be submitted to the county recorder, in the form prescribed by the recorder, at the time that a real estate transaction document with which a groundwater hazard statement is required by 9.1(4) is filed with the county recorder.

9.2(3) In all cases, the county recorder shall return or present the statement with the recorded instrument when the instrument is returned or presented to the transferee or the transferee’s designee.

9.2(4) When a county recorder accepts a groundwater hazard statement for recording, the county recorder shall transmit the groundwater hazard statement form to the department through one of the following methods:

a. Upon written agreement between the department and the custodian of the county land record information system, recorded groundwater hazard statement forms shall be presented to the department through a browser interface provided through the county land record information system for so long as such an agreement remains in place. Any agreement shall include, but not be limited to, a requirement that each form be posted to the system within 15 days of recording and a requirement that each form remain on the system for at least five years.

b. In the absence of such an agreement, or if the county land record information system is inoperable, a county recorder shall submit to the department via email a scanned or digital copy of each groundwater

hazard statement form within 15 days of its recording. All emails shall be directed to the department's records division. Forms in the custody of the department shall be retained for a period of at least five years.

9.2(5) Nothing in these rules shall be construed as requiring any party to submit to the department the first page of any document that transfers a property on which no conditions are present.

[**ARC 7588B**, IAB 2/25/09, effective 4/1/09; **ARC 7973B**, IAB 7/29/09, effective 6/29/09; **ARC 8950B**, IAB 7/28/10, effective 9/1/10; **ARC 0167C**, IAB 6/13/12, effective 7/18/12; **ARC 6790C**, IAB 1/11/23, effective 2/15/23]

These rules are intended to implement Iowa Code section 558.69.

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