

CHAPTER 9
GROUNDWATER HAZARD DOCUMENTATION

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 for any real estate transaction in which either of the following circumstances exists:

a. A declaration of value is required to be submitted pursuant to Iowa Code chapter 428A.

b. A private sewage disposal system inspection is required pursuant to 2008 Iowa Acts, chapter 1033, section 1. It shall be the duty of the transferor to determine whether an inspection is required and to include the groundwater hazard statement and certified inspector's report when filing transfer documents that do not require a declaration of value.

[ARC 7588B, IAB 2/25/09, effective 4/1/09; ARC 7973B, IAB 7/29/09, effective 6/29/09]

561—9.2(558) Form.

9.2(1) The transferor or the transferor's agent or attorney shall complete and sign department Form 542-0960, "Groundwater Hazard Statement," which may be obtained from the department or local county recorder. An agent or attorney may sign the form for 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. The department hereby adopts by reference Form 542-0960, "Groundwater Hazard Statement," as amended through July 18, 2012. For all real estate transactions dated July 18, 2012, or later, 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 the original of the statement to the transferee when the recorded instrument is returned. If the statement submitted reveals that there is a well, a disposal site, an underground storage tank, or hazardous waste on the property, a copy of the form shall be submitted to the department within 15 days after the close of each month. If a standardized electronic format is established by agreement between the Iowa County Recorders Association and the department, then the department's copy may be submitted electronically in the manner established by the agreement. Forms on which a private burial site is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the department. Forms shall be retained by the department for a period of five years.

9.2(4) The form shall include the name and address of both the transferor and transferee; the street address of the real estate involved; and the legal description of the real estate involved.

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These rules are intended to implement Iowa Code section 558.69.

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