

CHAPTER 136
FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/23/31

567—136.1(455B) Applicability.

136.1(1) This chapter applies to owners and operators of all petroleum underground storage tank (UST) systems, except as otherwise provided in this rule.

136.1(2) State and federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States are exempt from the requirements of this chapter.

136.1(3) The requirements of this chapter do not apply to owners and operators of farm or residential tanks of 1,100 gallons or less capacity installed prior to July 1, 1987, or any UST system described in 567—paragraph 135.1(3) “b” or 567—subparagraph 135.1(3) “c”(1), “c”(3) or “c”(4).

[ARC 0492D, IAB 8/19/26, effective 9/23/26]

567—136.2(455B) Policy; adoption by reference.

136.2(1) It is the policy of the commission to ensure consistency, equity, and efficiency in providing financial responsibility for Iowans and the businesses providing services to Iowans that owners and operators of UST systems in this state must comply with the provisions of the federal rules requiring and regulating the financial assurance of UST systems. This rule shall be interpreted in a manner consistent with this policy.

136.2(2) The commission hereby adopts by reference 40 CFR Chapter I, Subchapter I, Part 280, Subpart H (2015), subject to the following conditions:

a. All uses of “Agency,” “Environmental Protection Agency,” “EPA,” and “implementing agency,” and any reference to the regional offices of the Environmental Protection Agency, shall be replaced with “Department of Natural Resources,” except where the context of the rule requires notice or submission to both federal and state entities, in which case the replacement language shall be in addition to the original language.

b. All uses of “Administrator” and “regional administrator,” and any reference to the designee of either, are replaced with “the director of the Department of Natural Resources or their designee,” except where the context of the rule requires notice or submission to both federal and state entities, in which case the replacement language shall be in addition to the original language.

c. 40 CFR 280.100 is not adopted by reference.

d. 40 CFR 280.101 is not adopted by reference.

[ARC 0492D, IAB 8/19/26, effective 9/23/26]

567—136.3(455B) Additional requirements.

136.3(1) *Notice of extended reporting.* In any written final cancellation or nonrenewal notice, an entity that provides insurance pursuant to this chapter shall notify the primary insured party and any additional named insured parties of the six-month extended reporting expiration date provided in 40 CFR 280.97 (2015).

136.3(2) *Notice and claim by the department.* Notwithstanding any other requirement or limit in 40 CFR Chapter I, Subchapter I, Part 280, Subpart H (2015), timely notice of a release and claim for coverage to the insurer by the department of natural resources shall be deemed sufficient notice on behalf of the insured under the terms, conditions, and exclusions of a policy issued to demonstrate compliance with this chapter. Notice by the department shall not modify or enlarge the terms, conditions, and exclusions of coverage, but is only intended to preserve coverage to which the insured may otherwise be entitled under the policy.

[ARC 0492D, IAB 8/19/26, effective 9/23/26]

These rules are intended to implement Iowa Code sections 455B.424 and 455B.474.

[Filed 7/21/89, Notice 2/22/89—published 8/9/89, effective 9/13/89]

[Filed 2/1/91, Notice 11/14/90—published 2/20/91, effective 3/27/91]

[Filed 2/28/92, Notice 12/11/91—published 3/18/92, effective 4/22/92]

[Filed 6/19/92, Notice 4/15/92—published 7/8/92, effective 8/12/92]

[Filed 8/27/93, Notice 6/9/93—published 9/15/93, effective 10/20/93]

[Filed 3/27/02, Notice 1/9/02—published 4/17/02, effective 5/22/02]

[Filed 10/21/05, Notice 7/20/05—published 11/9/05, effective 12/14/05]

[Filed ARC 5625C (Notice ARC 5316C, IAB 12/16/20), IAB 5/19/21, effective 6/23/21]

[Filed ARC 0492D (Notice ARC 9937C, IAB 1/7/26), IAB 8/19/26, effective 9/23/26]