

661—221.15(101) Inspections and orders.

221.15(1) Inspections. Any tank is subject to inspection at any time by the department, an employee of the department, 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 as follows:

a. At any time such a facility is attended, immediate access to the facility to the person who requests access to the facility in order to conduct an inspection;

b. If a facility is unattended, the person who seeks to conduct the inspection will 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 will be provided at 8 a.m. on the next weekday other than a holiday;

c. 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 will 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.

221.15(2) Orders. If the person who conducts an inspection pursuant to this chapter finds that a tank is in violation of any applicable provision of this chapter or Iowa Code chapter 101, the person may issue an order for correction. The order will specify the violation or violations, corrective actions to be taken, and the time allowed for completion of the corrective actions.

221.15(3) Suspension of use. If any corrective action ordered pursuant to subrule 221.15(2) is not completed in the time specified therein, the department 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 will have a sticker prominently affixed to it that states that the tank is out of service by order of the department and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

221.15(4) Emergency order. If the department finds that a violation identified during an inspection conducted pursuant to subrule 221.15(1) creates an imminent threat to public safety or public health, or if the department finds, after consultation with the department of natural resources, that such a violation creates an imminent threat of environmental damage, the department will 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 will have a sticker prominently affixed to it that states that the tank is out of service by order of the department and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

221.15(5) Notice. Notice of any order issued pursuant to this rule will be given to the owner or operator of a tank subject to the order. Notice of an emergency order issued pursuant to subrule 221.15(4) will 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 will 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 will serve as proof that notice was given.

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