

561—9.2(558) Form.

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

a. When a groundwater hazard statement is required pursuant to 9.1(4), 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 the transferor made a good-faith effort to accurately provide the information requested by the form.

b. For real estate transactions where a groundwater hazard statement is required pursuant to 9.1(4) and where the real estate transaction is dated after February 1, 2023, county recorders shall only accept the currently adopted form. Any person may reproduce Form 542-0960 through photocopying or electronic means so long as the general format and wording are not altered.

9.2(2) The form shall be submitted to the county recorder, in the manner prescribed by the recorder, at the time required by 9.1(4).

9.2(3) County recorders 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 to the department through one of the following methods:

a. Pursuant to a 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 via a browser interface provided through the county land record information system for the duration of such an agreement. Any agreement shall include but not be limited to terms requiring each form to be posted on the system within 15 days of recording, and 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 a digital copy of each recorded groundwater hazard statement to the department via email within 15 days of its recording. All emails shall be directed to the department’s records division. The department shall retain custody of such forms for 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.

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