

567—105.200(455H) Purpose. This division is adopted under the authority of Iowa Code chapter 455H. These rules establish the policy and procedures for the voluntary enrollment of contaminated property in the land recycling program. These rules also establish the response action standards that participants must meet in order to qualify for a no further action certificate and the statutory protections and immunities that follow from it. Consistent with the declaration of policy stated in Iowa Code section 455H.104, these rules are intended to achieve the dual objective of addressing the current and future risks associated with contaminated property and thereby enhancing the market conditions that can lead to development of these properties into their highest productive use. These objectives can in part be met through a program that encourages voluntary participation by persons who may have a legal duty to address, in whole or in part, the contamination within an affected area, as well as persons who might not have a legal obligation but who have an interest in development of enrolled sites. These rules attempt to provide a degree of certainty in the response action process as an incentive to participants and as a means of assisting participants in quantifying their financial investment.

105.200(1) It is the objective of these rules to establish a collaborative process between the participant(s) and the department as the most effective means of achieving consensus and resolving disputes on issues that are not or cannot be fully defined and anticipated by rule.

105.200(2) Although participation in this program is voluntary, these rules establish minimum standards that must be met in order to obtain regulatory closure from the department through issuance of a no further action certificate.

105.200(3) Although the scope of the response actions addressed under these rules may not in every case address all known or unknown releases within an affected area, it should be the objective of both the department and the participant(s) to work together and to use all resources available to address all known releases within an affected area in the interest of protecting public health and safety and the environment as well as achieving regulatory finality.

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