

MAR 2 1995

ENVIRONMENTAL PROTECTION

HOUSE FILE 251
BY GRUBBS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to underground storage tanks by limiting high
2 risk site classification for remedial action and placing
3 limitations on cost recovery and prioritization.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 251

1 Section 1. Section 455B.474, subsection 1, paragraph d,
2 Code 1995, is amended by striking the paragraph and inserting
3 in lieu thereof the following:

4 d. Identifying those sites which require remediation or
5 monitoring. Sites shall be classified as either high risk,
6 low risk, or no action required. A site shall be classified
7 as a high risk site if contamination exists on the site and is
8 actually affecting groundwater which is being used as a
9 drinking water source. All other sites shall be classified as
10 low risk or no action required.

11 Sec. 2. Section 455G.9, subsection 5, Code 1995, is
12 amended by adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The board shall not prioritize
14 claims or allocate benefits regarding owners or operators with
15 a net worth of five hundred thousand dollars or less. Owners
16 or operators with a net worth of five hundred thousand dollars
17 or less shall claim full benefits under this section.

18 Sec. 3. Section 455G.13, subsection 1, Code 1995, is
19 amended by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. For purposes of a cost recovery
21 action under this section, potentially responsible party does
22 not include a person with a net worth of five hundred thousand
23 dollars or less.

24 EXPLANATION

25 This bill makes three changes to the underground storage
26 tank program.

27 Section 1 of the bill changes the criteria in which a site
28 would be classified as a high risk site to only those sites
29 where contamination exists on the site and is actually
30 affecting groundwater which is being used as a drinking water
31 source. All other sites are classified as low risk or no
32 action required. Current law provides that a site should be
33 considered high risk if contamination is affecting or likely
34 to affect groundwater which is used as a source water for
35 public or private water supplies, to a level rendering them

1 unsafe for human consumption, if contamination is actually
2 affecting or is likely to affect surface water bodies to a
3 level where surface water quality standards will be exceeded,
4 and if harmful or explosive concentrations of petroleum
5 substances or vapors affecting structures or utility
6 installations exist or are likely to occur.

7 Section 2 limits the Iowa comprehensive petroleum
8 underground storage tank board's authority to prioritize
9 remedial benefits under section 455G.9, to those persons who
10 have a net worth which is greater than \$500,000. The bill
11 provides that owners or operators with a net worth of \$500,000
12 or less are able to claim full remedial benefits under section
13 455G.9.

14 Section 3 exempts potentially responsible parties with a
15 net worth of \$500,000 or less from a cost recovery action
16 under section 455G.13.

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