

1-17-95 Nat. Res.

FILED JAN 17 1995

SENATE FILE 39
BY BANKS

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

A BILL FOR

1 An Act relating to underground storage tank upgrade requirements
2 and providing effective and retroactive applicability dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 39

1 Section 1. Section 455G.11, subsection 3, paragraph c,
2 Code 1995, is amended to read as follows:

3 c. The applicant certifies in writing to the board that
4 the tank to be insured will be brought into compliance with
5 either paragraph "a" or "b", on or before January 1, ~~1995~~
6 1998, provided that prior to the provision of insurance
7 account coverage, the tank site tests release free. An owner
8 or operator who fails to comply as certified to the board on
9 or before January 1, ~~1995~~ 1998, shall not insure that tank
10 through the insurance account unless and until the tank
11 satisfies the requirements of paragraph "a" or "b". An owner
12 or operator who fails to comply with either paragraph "a" or
13 "b" by October 26, 1993, or who fails to enter into a contract
14 on or before October 26, 1993, which, upon completion, will
15 bring the owner or operator into compliance with either
16 paragraph "a" or "b" by January 1, ~~1995~~ 1998, shall pay an
17 additional surcharge of four hundred dollars per tank, per
18 insured time period.

19 Sec. 2. This Act, being deemed of immediate importance,
20 takes effect upon enactment and applies retroactively to
21 January 1, 1995.

22 EXPLANATION

23 This bill extends the date by which owners or operators of
24 underground storage tanks are required to have upgrades in
25 place from January 1, 1995, to the federally mandated upgrade
26 date of January 1, 1998, codified in 40 C.F.R. § 280.21.
27 Currently, an owner or operator was to have upgraded a tank by
28 January 1, 1995, in order to continue to be eligible to
29 receive insurance issued by the state underground storage tank
30 insurance program. This bill allows an owner or operator to
31 maintain state insurance with an additional \$400 per tank
32 surcharge, if the tank is upgraded by January 1, 1998.
33 Because the state insurance policies provide a 60-day
34 cancellation clause, owners or operators have at least until
35 March 1, 1995, before the state insurance will be canceled for

1 failure to upgrade. Owners or operators who receive the
2 insurance cancellation notice have the following three options
3 in order to maintain remedial benefits under the remedial
4 fund: upgrade the tank, pull the tank, or temporarily abandon
5 the tank.

6 This bill is effective upon enactment and is retroactive to
7 January 1, 1995.

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