

JAN 26 1999

ENVIRONMENTAL PROTECTION

HOUSE FILE
BY RANTS

141

WITHDRAWN
4-29-99
(P. 1887)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to payments from the remedial account of the Iowa
2 comprehensive petroleum underground storage tank fund to
3 governmental subdivisions for costs of corrective actions
4 taken due to certain releases from underground storage tanks
5 and allowing the Iowa comprehensive petroleum underground
6 storage tank fund board to seek reimbursement from responsible
7 parties for expenses incurred by governmental subdivisions for
8 costs of corrective actions taken due to certain releases from
9 underground storage tanks.

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

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HF 141

1 Section 1. Section 455G.9, subsection 1, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. j. One hundred percent of the costs of
4 corrective action for a governmental subdivision in connection
5 with a tank if the governmental subdivision did not own or
6 operate the tank from which the release occurred, and the
7 property was acquired pursuant to eminent domain after the
8 release occurred. A governmental subdivision which acquires
9 property pursuant to eminent domain in order to obtain
10 benefits under this paragraph is not a responsible party for a
11 release in connection with property which it acquired, and
12 does not become a responsible party by sale or transfer of
13 property so acquired.

14 Sec. 2. Section 455G.9, Code 1999, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 10. EXPENSES INCURRED BY GOVERNMENTAL
17 SUBDIVISIONS. The board may adopt rules for reimbursement
18 from a responsible party for reasonable expenses incurred by a
19 governmental subdivision for treating, handling, or disposing,
20 as required by the department, of petroleum-contaminated soil
21 and groundwater encountered in a public right-of-way during
22 installation, maintenance, or repair of a public improvement.
23 The board may seek full recovery from a responsible party
24 liable for the release for such expenses and for all other
25 costs and reasonable attorney fees and costs of litigation for
26 which moneys are expended by the fund. Any expense described
27 in this subsection incurred by the fund constitutes a lien
28 upon the property from which the release occurred. A lien
29 shall be recorded and an expense shall be collected in the
30 same manner as provided in section 424.11.

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EXPLANATION

32 This bill relates to the remedial account of the Iowa
33 comprehensive petroleum underground storage tank fund.

34 The bill provides that the remedial account shall cover 100
35 percent of the costs of a corrective action for a governmental

1 subdivision in connection with an underground storage tank if
2 the governmental subdivision did not own or operate the tank
3 and the contaminated property was acquired pursuant to eminent
4 domain after the release occurred. The bill provides that a
5 governmental subdivision is not a responsible party for a
6 release when it acquires property pursuant to eminent domain
7 in order to obtain benefits under the remedial account.

8 The bill provides that the Iowa comprehensive petroleum
9 underground storage tank fund board may adopt rules for the
10 reimbursement from a responsible party for reasonable expenses
11 incurred by a governmental subdivision for treating, handling,
12 or disposing of petroleum-contaminated soil and groundwater
13 encountered in a public right-of-way during installation,
14 maintenance, or repair of a public improvement. The bill
15 provides that such expenses and other related expenses
16 incurred by the fund are a lien upon the property from which
17 the release occurred.

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