

Senate File 2414 - Introduced

SENATE FILE 2414

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2327)

(SUCCESSOR TO SSB 3177)

A BILL FOR

1 An Act relating to underground storage tanks, including
2 repealing the Iowa comprehensive petroleum underground
3 storage tank fund and eliminating the Iowa comprehensive
4 petroleum underground storage tank fund board, making
5 appropriations, and including effective date and transition
6 provisions.

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

DIVISION I

STORAGE TANK MANAGEMENT ACCOUNT

1
2
3 Section 1. Section 455B.471, subsections 1 and 3, Code 2024,
4 are amended by striking the subsections.

5 Sec. 2. Section 455B.471, Code 2024, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 1A. "*Account*" means the storage tank
8 management account created in the groundwater protection fund
9 created in section 455E.11.

10 NEW SUBSECTION. 1B. "*Claimant*" means an owner or operator
11 who has received assistance under the account or the Iowa
12 comprehensive petroleum underground storage tank fund created
13 in section 455G.3, Code 2024.

14 NEW SUBSECTION. 1C. "*Community remediation*" means a
15 curriculum of coordinated testing, planning, or remediation
16 involving two or more tank sites potentially connected with a
17 continuous contaminated area, pursuant to rules adopted by the
18 commission under section 455B.474. A community remediation
19 does not expand the scope of coverage otherwise available or
20 relieve liability otherwise imposed under state or federal law.

21 NEW SUBSECTION. 2A. "*Costs*" means all costs, charges,
22 expenses, or other indebtedness incurred by a claimant that
23 are determined by the department to be reasonable for carrying
24 out all works and undertakings necessary or incidental to the
25 accomplishment of any project. "*Costs*" includes reasonable
26 attorney fees and costs of litigation for which moneys are
27 expended from the account in connection with a release.

28 NEW SUBSECTION. 3A. "*Insurance*" means any form of financial
29 assistance or showing of financial responsibility sufficient
30 to comply with the federal Resource Conservation and Recovery
31 Act, 42 U.S.C. §6901 et seq., or the department's underground
32 storage tank financial responsibility rules.

33 NEW SUBSECTION. 7A. "*Potentially responsible party*" means a
34 person who may be responsible or liable for a release for which
35 payments from the account were made for corrective action or

1 third-party liability.

2 NEW SUBSECTION. 7B. "*Program*" means the storage tank
3 management account financing program created pursuant to
4 section 455B.472A.

5 NEW SUBSECTION. 10A. "*Third-party liability*" means any of
6 the following:

7 a. Property damage including physical injury to tangible
8 property, but not including loss of use. Property damage does
9 not include costs to remediate.

10 b. Bodily injury including sickness, physical injury, or
11 death.

12 Sec. 3. NEW SECTION. 455B.472A **Storage tank management**
13 **account financing program.**

14 1. The department shall establish and administer a storage
15 tank management account financing program for the purpose of
16 reimbursing eligible claimants for all or part of the costs of
17 corrective action for petroleum releases previously eligible
18 for payment from the Iowa comprehensive petroleum underground
19 storage tank fund pursuant to chapter 455G, Code 2024.

20 2. The department shall distribute financial assistance, up
21 to one million dollars total, for work conducted by eligible
22 entities that comply with the requirements of the program. The
23 department shall determine if work completed is eligible for
24 reimbursement under the program.

25 3. The department may enter into any agreements and provide
26 any documents, instruments, certificates, data, or information
27 necessary in connection with the operation, administration,
28 and financing of the program consistent with this part 8 of
29 subchapter IV, the federal Resource Conservation and Recovery
30 Act, 42 U.S.C. §6901 et seq., the rules of the commission, and
31 other applicable federal and state law.

32 4. The department may act to conform the program to the
33 applicable guidance and regulations adopted by the United
34 States environmental protection agency.

35 5. The department shall administer the moneys in the account

1 transferred pursuant to this Act to carry out the purposes
2 of the program and shall manage the revenue, administration,
3 restrictions, and disposition of the moneys in the account
4 transferred pursuant to this Act.

5 6. Moneys in the account transferred pursuant to this Act
6 are appropriated to the department for the purposes set forth
7 in section 455E.11, subsection 2, paragraph "d", subparagraph
8 (1A).

9 7. Payments for reimbursement or other costs relating to any
10 claim or cause of action in connection with a tank not owned or
11 operated by the state or an agency of the state shall be made
12 solely from the account and no liability is otherwise imposed
13 upon the state. Moneys from the account transferred pursuant
14 to this Act are limited to the extent of coverage provided by
15 the provisions set forth in section 455E.11, subsection 2,
16 paragraph "d", subparagraph (1A). A court, an administrative
17 law judge, the department, or the commission shall not order or
18 approve a remedy that would require the account to exceed the
19 account's then current funding limitations to satisfy an award
20 or that would restrict the availability of moneys for higher
21 priority sites. The state is not otherwise liable for a claim
22 related to the account and moneys from the general fund shall
23 not be used to pay for reimbursement or other costs relating
24 to any claim or cause of action in connection with a tank not
25 owned or operated by the state or an agency of the state.

26 Sec. 4. NEW SECTION. **455B.472B Cost recovery enforcement.**

27 1. *Full recovery sought by department.* The department
28 may seek full recovery from an owner, operator, or other
29 potentially responsible party liable for a release that is
30 the subject of a corrective action for which moneys from
31 the account are expended, or for which moneys from the Iowa
32 comprehensive petroleum underground storage tank fund created
33 in section 455G.3, Code 2024, were expended, including for
34 third-party liability and for all other costs. If federal
35 cleanup moneys are recovered, the federal cleanup moneys shall

1 be used solely for the purpose of future cleanup activities.

2 2. *Limitation of liability of owner or operator.* Except
3 as provided in subsection 3, the department shall not seek
4 recovery for expenses in connection with corrective action for
5 a release from an owner or operator eligible for assistance
6 under the program, except for any unpaid portion of the
7 deductible or copayment. This subsection does not affect any
8 authorization of the department to impose or collect civil or
9 administrative fines, penalties, or fees. Moneys from the
10 account shall not be used to pay for any third-party liability.

11 3. *Owner or operator not in compliance.* Notwithstanding
12 subsection 2, the liability of an owner or operator shall be
13 the full and total costs of corrective action and bodily injury
14 or property damage to third parties, as specified in subsection
15 1, if the owner or operator has not complied with the financial
16 responsibility or other underground storage tank rules of
17 the department or with this part 8 of subchapter IV or rules
18 adopted under this part.

19 4. *Lien on tank site.* Any amount for which an owner or
20 operator is required to pay to the account by statute, rule,
21 contract, or determination of liability by the department after
22 hearing, if not paid when due, shall constitute a lien upon the
23 real property where the tank that was the subject of corrective
24 action is located, and the payment shall be collected in the
25 same manner as the environmental protection charge pursuant to
26 section 424.11, Code 2016.

27 5. *Joinder of parties.* The department has standing in
28 any case or contested action related to the account or a tank
29 to assert any claim that the department may have regarding
30 the tank at issue in the case or contested action. Upon
31 motion and sufficient showing by a party to a cost recovery or
32 subrogation action provided for under this section, the court
33 or the administrative law judge shall join to the action any
34 potentially responsible party who may be liable for costs and
35 expenditures of the type recoverable pursuant to this section.

1 6. *Third-party contracts.* An insurance, indemnification,
2 hold-harmless, conveyance, or similar risk-sharing or
3 risk-shifting agreement shall not be effective to transfer
4 any liability for costs recoverable under this section. The
5 department may proceed directly against the owner, operator,
6 or other potentially responsible party. This subsection does
7 not bar any agreement to insure, hold harmless, or indemnify
8 a party to the agreement for any costs or expenditures under
9 this part 8 of subchapter IV, and does not modify rights
10 between the parties to an agreement, except to the extent the
11 agreement shifts liability to an owner or operator eligible
12 for assistance under the program for any damages or other
13 costs in connection with a corrective action for which another
14 potentially responsible party is or may be liable. Any such
15 provision is void and of no further force and effect.

16 7. *Later proceedings permitted against other parties.* The
17 entry of judgment against a party to the action does not bar
18 a future action by the department against another person who
19 is later alleged to be or discovered to be liable for costs
20 and expenditures paid from the account. Notwithstanding
21 section 668.5, a potentially responsible party shall not seek
22 contribution or any other recovery from an owner or operator
23 eligible for assistance under the program for damages or other
24 costs in connection with corrective action for a release for
25 which the potentially responsible party is or may be liable.
26 Subsequent successful proceedings against another party shall
27 not modify or reduce the liability of a party against whom
28 judgment has been previously entered.

29 8. *Claims against potentially responsible parties.*

30 a. Upon payment from the account for corrective action or
31 third-party liability pursuant to this part 8 of subchapter
32 IV, the rights of the claimant to recover payment from any
33 potentially responsible party are assumed by the department to
34 the extent paid from the account. A claimant shall not receive
35 double compensation for the same injury.

1 *b.* In an action brought pursuant to this part 8 of
2 subchapter IV seeking damages for corrective action or
3 third-party liability, the court shall allow evidence and
4 argument as to the replacement or indemnification of actual
5 economic losses incurred or to be incurred in the future by the
6 claimant by reason of insurance benefits, governmental benefits
7 or programs, or other sources.

8 *c.* A claimant may elect to authorize the department
9 to pursue the claimant's cause of action for any injury
10 not compensated from the fund against any potentially
11 responsible party, provided the attorney general determines
12 such representation would not be a conflict of interest. If
13 a claimant so elects, the department's litigation expenses
14 shall be shared on a pro rata basis with the claimant, but the
15 claimant's share of litigation expenses is payable exclusively
16 from any share of the settlement or judgment payable to the
17 claimant.

18 9. *Exclusion of punitive damages.* Moneys from the account
19 shall not be used to pay punitive damages.

20 Sec. 5. NEW SECTION. **455B.472C Discretionary rulemaking.**

21 1. The commission may adopt rules pursuant to chapter 17A
22 conditioning receipt of moneys from the account transferred
23 pursuant to this Act to those petroleum-contaminated properties
24 that present a higher degree of risk to the public health and
25 safety or the environment and providing for denial of moneys
26 from the account transferred pursuant to this Act to a person
27 who did not make a good-faith attempt to comply with this part
28 8 of subchapter IV. This subsection does not confer a legal
29 right to an owner of a petroleum-contaminated property, or an
30 owner or operator of an underground storage tank located on the
31 property, for receipt of moneys under this part 8 of subchapter
32 IV.

33 2. The commission may adopt rules pursuant to chapter
34 17A providing for the transfer of all or a portion of the
35 liabilities relating to the account. Notwithstanding any other

1 provision to the contrary, the department, upon such transfer,
2 shall not maintain any duty to reimburse claimants for those
3 liabilities transferred.

4 Sec. 6. Section 455B.474, subsection 1, paragraph a,
5 subparagraph (6), subparagraph divisions (g), (i), and (j),
6 Code 2024, are amended to read as follows:

7 (g) An owner or operator may elect to proceed with
8 additional corrective action on the site. However, any
9 action taken in addition to that required pursuant to this
10 subparagraph (6), shall be solely at the expense of the owner
11 or operator and shall not be considered corrective action
12 for purposes of [section 455G.9 455B.472A](#), unless otherwise
13 previously agreed to by the ~~board~~ department and the owner or
14 operator pursuant to [section 455G.9, subsection 7 455B.472A](#).
15 Corrective action taken by an owner or operator due to the
16 department's failure to meet the time requirements provided in
17 subparagraph division (e) shall be considered corrective action
18 for purposes of [section 455G.9 455B.472A](#).

19 (i) Replacement or upgrade of a tank on a site classified
20 as a high or low risk site shall be equipped with a secondary
21 containment system with monitoring of the space between the
22 primary and secondary containment structures or other ~~board~~
23 ~~approved~~ tank system or methodology approved by the department.

24 (j) The commission and the ~~board~~ department shall cooperate
25 to ensure that remedial measures required by the corrective
26 action rules adopted pursuant to this subparagraph (6) are
27 reasonably cost-effective and shall, to the fullest extent
28 possible, avoid duplicating and conflicting requirements.

29 Sec. 7. Section 455B.474, subsection 2, unnumbered
30 paragraph 1, Code 2024, is amended to read as follows:

31 The maintenance of evidence of financial responsibility as
32 the director determines to be feasible and necessary for taking
33 corrective action and for compensating third parties for bodily
34 injury and property damage caused by release of a regulated
35 substance from ~~an underground storage~~ a tank.

1 Sec. 8. Section 455B.474, subsection 9, paragraph d, Code
2 2024, is amended to read as follows:

3 d. The certification of groundwater professionals shall
4 not impose liability on ~~the board~~, the department, or the
5 fund account for any claim or cause of action of any nature,
6 based on the action or inaction of a groundwater professional
7 certified pursuant to [this subsection](#).

8 Sec. 9. Section 455B.474, Code 2024, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 11. Department practices and procedures
11 for implementing and administering the storage tank management
12 account financing program. The rules shall include but
13 are not limited to requirements for program eligibility,
14 investigating and settling claims made against the account,
15 appeal procedures, community remediation, prioritization of
16 account moneys, funding for tank operator training, additional
17 assessment and corrective action arising out of releases at
18 sites for which a certificate of no further action has been
19 issued, and reimbursement for the permanent closure of an
20 underground storage tank system.

21 Sec. 10. Section 455B.477, subsection 7, Code 2024, is
22 amended to read as follows:

23 ~~7. The civil penalties or other damages or moneys recovered~~
24 ~~by the state or the petroleum underground storage tank fund in~~
25 ~~connection with a petroleum underground storage tank under this~~
26 ~~part 8 of subchapter IV or [chapter 455G](#) shall be credited to~~
27 ~~the fund created in [section 455G.3](#) and allocated between fund~~
28 ~~accounts according to the fund budget. Any federal moneys,~~
29 including but not limited to federal underground storage tank
30 trust fund moneys, received by the state or the department of
31 natural resources in connection with a release occurring on
32 or after May 5, 1989, or received generally for underground
33 storage tank programs on or after May 5, 1989, shall be
34 credited to the fund account created in [section 455G.3](#) and
35 ~~allocated between fund accounts according to the fund budget~~

1 455E.11, subsection 2, paragraph "d", unless such use would
2 be contrary to federal law. The department shall ~~coöperate~~
3 ~~with the board of the Iowa comprehensive petroleum underground~~
4 ~~storage tank fund to~~ maximize the state's eligibility for and
5 receipt of federal funds for underground storage tank related
6 purposes.

7 Sec. 11. Section 455E.11, subsection 2, paragraph d,
8 unnumbered paragraph 1, Code 2024, is amended to read as
9 follows:

10 A storage tank management account. ~~All~~ The account shall
11 consist of moneys appropriated to, transferred to, or deposited
12 in the account, including fees collected pursuant to section
13 455B.473, subsection 5, section 455B.477, subsection 7, and
14 section 455B.479, shall be deposited in the storage tank
15 management account. Moneys deposited in the account shall be
16 expended for all of the following purposes:

17 Sec. 12. Section 455E.11, subsection 2, paragraph d, Code
18 2024, is amended by adding the following new subparagraph:

19 NEW SUBPARAGRAPH. (1A) Moneys transferred under this Act to
20 the account are appropriated for the following purposes until
21 such moneys are fully expended:

22 (a) For reimbursement to tank owners or operators for all
23 or part of the costs of a corrective action for a petroleum
24 release.

25 (b) For the annual appropriation to the department
26 of agriculture and land stewardship in the amount of two
27 hundred fifty thousand dollars for the purpose of inspecting
28 fuel quality at pipeline terminals and renewable fuel
29 production facilities, including associated salaries, support,
30 maintenance, and miscellaneous purposes.

31 (c) For permanent closure of an underground storage tank
32 system under a remedial program pursuant to chapter 455B,
33 subchapter IV, part 8, for additional assessment and corrective
34 action arising out of releases at sites for which a certificate
35 of no further action has been issued, and for tank operator

1 training. At least three million dollars of the total moneys
2 expended pursuant to this subparagraph shall be expended for
3 this purpose, but not more than fifty thousand dollars shall be
4 utilized for operator training each fiscal year.

5 Sec. 13. Section 455E.11, subsection 2, paragraph d,
6 subparagraph (2), Code 2024, is amended to read as follows:

7 (2) The moneys remaining in the account after the
8 ~~appropriation~~ appropriations in ~~subparagraph~~ subparagraphs (1)
9 and (1A) are appropriated ~~from the storage tank management~~
10 ~~account~~ to the department of natural resources for the
11 administration of a state storage tank program pursuant to
12 chapter 455B, subchapter IV, part 8, and for programs ~~which~~
13 that reduce the potential for harm to the environment and the
14 public health from storage tanks.

15 Sec. 14. REPEAL. Sections 455G.1, 455G.2, 455G.2A, 455G.3,
16 455G.4, 455G.5, 455G.6, 455G.7, 455G.8, 455G.9, 455G.12,
17 455G.12A, 455G.13, 455G.14, 455G.15, 455G.16, 455G.20, and
18 455G.21, Code 2024, are repealed.

19 DIVISION II

20 CONFORMING CHANGES

21 Sec. 15. Section 68B.35, subsection 2, paragraph e, Code
22 2024, is amended to read as follows:

23 e. Members of the state banking council, the Iowa ethics and
24 campaign disclosure board, the credit union review board, the
25 economic development authority, the employment appeal board,
26 the environmental protection commission, the health facilities
27 council, the Iowa finance authority, the Iowa public employees'
28 retirement system investment board, the Iowa lottery board
29 created in [section 99G.8](#), the natural resource commission,
30 the board of parole, ~~the petroleum underground storage tank~~
31 ~~fund board~~, the public employment relations board, the state
32 racing and gaming commission, the state board of regents, the
33 transportation commission, the office of consumer advocate, the
34 utilities board, the Iowa telecommunications and technology
35 commission, and any full-time members of other boards and

1 commissions as defined under [section 7E.4](#) who receive an annual
2 salary for their service on the board or commission. The Iowa
3 ethics and campaign disclosure board shall conduct an annual
4 review to determine if members of any other board, commission,
5 or authority should file a statement and shall require the
6 filing of a statement pursuant to rules adopted pursuant to
7 chapter 17A.

8 Sec. 16. Section 323.1, subsection 16, Code 2024, is amended
9 to read as follows:

10 16. *"Storage tank"* means a motor fuel storage tank as
11 defined in [section 214.1](#), including an underground storage
12 tank subject to regulation under chapter ~~455G~~ [455B](#), subchapter
13 [IV](#), part 8, [section 455E.11](#), subsection 2, paragraph *"d"*,
14 [subparagraph \(1A\)](#), or [section 455G.31](#).

15 Sec. 17. Section 422.7, subsection 2, paragraph u, Code
16 2024, is amended by striking the paragraph.

17 Sec. 18. Section 455B.174, subsection 4, paragraph d, Code
18 2024, is amended to read as follows:

19 *d.* If a public water supply has a groundwater source
20 that contains petroleum, a fraction of crude oil, or their
21 degradation products, or is located in an area deemed by the
22 department as likely to be contaminated by such materials, and
23 after consultation with the public water supply system and
24 consideration of all applicable rules relating to remediation,
25 the department may require the public water supply system to
26 replace that groundwater source in order to receive a permit
27 to operate. The requirement to replace the source shall only
28 be made by the department if the public water supply system
29 is fully compensated for any additional design, construction,
30 operation, and monitoring costs ~~from the Iowa comprehensive~~
31 ~~petroleum underground storage tank fund created by chapter~~
32 ~~455G~~ or from any other funds that do not impose a financial
33 obligation on the part of the public water supply system.
34 Funds available to or provided by the public water supply
35 system may be used for system improvements made in conjunction

1 with replacement of the source. The department cannot require
2 a public water supply system to replace its water source with a
3 less reliable water source or with a source that does not meet
4 federal primary, secondary, or other health-based standards
5 unless treatment is provided to ensure that the drinking water
6 meets these standards. Nothing in this paragraph shall affect
7 the public water supply system's right to pursue recovery from
8 a responsible party.

9 Sec. 19. Section 455E.11, subsection 2, paragraph d,
10 subparagraph (3), Code 2024, is amended by striking the
11 subparagraph.

12 Sec. 20. Section 455I.2, subsection 5, paragraph a, Code
13 2024, is amended to read as follows:

14 a. A federal or state program that is subject to the
15 jurisdiction of an agency, including but not limited to
16 programs established by chapters 455B and ~~455G~~ 455E, corrective
17 or response actions pursuant to 42 U.S.C. §6901 et seq., and
18 remedial actions under 42 U.S.C. §9601 et seq.

19 Sec. 21. REPEAL. Sections 427B.20, 427B.21, and 427B.22,
20 Code 2024, are repealed.

21 DIVISION III

22 TRANSITION PROVISIONS

23 Sec. 22. TRANSITION PROVISIONS.

24 1. Upon repeal of sections 455G.1, 455G.2, 455G.2A, 455G.3,
25 455G.4, 455G.5, 455G.6 455G.7, 455G.8, 455G.9, 455G.12,
26 455G.12A, 455G.13, 455G.14, 455G.15, 455G.16, 455G.20,
27 and 455G.21, pursuant to this Act, all moneys in all funds
28 administered by the Iowa comprehensive petroleum underground
29 storage tank fund board are transferred to the treasurer of
30 state for deposit in the storage tank management account
31 created in the groundwater protection fund created in section
32 455E.11. Any moneys credited to any fund administered by
33 the Iowa comprehensive petroleum underground storage tank
34 fund board on and after the effective date of this Act are
35 transferred to the treasurer of state for deposit in the

1 storage tank management account created in the groundwater
2 protection fund created in section 455E.11.

3 2. Any rule, regulation, form, order, or directive
4 promulgated by the Iowa comprehensive petroleum underground
5 storage tank fund board as required to administer and enforce
6 the provisions relating to the Iowa comprehensive petroleum
7 underground storage tank fund shall continue in full force
8 and effect under the jurisdiction of the department of
9 natural resources until amended, repealed, or supplemented by
10 affirmative action of the department.

11 3. The Iowa comprehensive petroleum underground storage
12 tank fund board shall administratively close or terminate
13 any remaining liabilities, contracts, outstanding claims,
14 payments, or other obligations for open comprehensive petroleum
15 underground storage tank fund claims existing on or before
16 June 30, 2024. A claim for a release filed on or after the
17 effective date of division I of this Act shall not be eligible
18 for payment from the Iowa comprehensive petroleum underground
19 storage tank fund.

20 4. The department of natural resources may begin
21 implementation of this Act prior to July 1, 2024, to the
22 extent necessary to transition to full implementation of the
23 provisions relating to the storage tank management account
24 created in the groundwater protection fund created in section
25 455E.11 and repeal of the Iowa comprehensive petroleum
26 underground storage tank fund created in section 455G.3, Code
27 2024.

28 5. All property tax credits provided under chapter 427B,
29 subchapter IV, existing upon the repeal of sections 427B.20,
30 427B.21, and 427B.22 shall continue until their expiration.

31 Sec. 23. EFFECTIVE DATE. This division of this Act, being
32 deemed of immediate importance, takes effect upon enactment.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the use of moneys in the storage tank
2 management account of the groundwater protection fund (GPF)
3 that are transferred from the Iowa comprehensive petroleum
4 underground storage tank fund.

5 The GPF includes four accounts related to groundwater:
6 the solid waste account, the agriculture management account,
7 the household hazardous waste account, and the storage
8 tank management account. The Iowa comprehensive petroleum
9 underground storage tank fund (CPUSTF) assists owners and
10 operators of petroleum underground storage tanks in complying
11 with federal regulations. Currently, the CPUSTF exists under
12 the control of the CPUSTF board.

13 The bill repeals the CPUSTF and eliminates the CPUSTF board.
14 The bill transfers moneys currently in the CPUSTF to the GPF
15 for deposit in the storage tank management account. The bill
16 requires the department of natural resources (department) to
17 establish and administer the storage tank management account
18 financing program to distribute financial assistance for
19 work conducted by eligible entities using moneys transferred
20 pursuant to the bill. The program allows a claimant who was
21 previously eligible for assistance from the CPUSTF to receive
22 reimbursement from the storage tank management account for
23 all or part of the costs of corrective action for a petroleum
24 release.

25 A portion of the moneys transferred pursuant to the bill are
26 appropriated to the department for the purposes of providing
27 reimbursement to tank owners for all or part of the costs of
28 a corrective action; for permanently closing an underground
29 storage tank system; assessment and corrective action arising
30 out of a release; and tank operator training. Of the moneys
31 transferred to the GPF pursuant to the bill, \$250,000 per
32 year is appropriated to the department of agriculture and
33 land stewardship to inspect fuel quality at terminals and
34 facilities.

35 The bill allows for cost recovery efforts from potentially

1 responsible parties when moneys from the storage tank
2 management account are used during the cleanup of contamination
3 at a tank site. The bill directs the environmental
4 protection commission to adopt rules for program eligibility,
5 investigating and settling claims made against the fund,
6 appeal procedures, community remediation, prioritization of
7 fund moneys, funding for tank operator training, additional
8 assessment and corrective action arising out of a release at a
9 site for which a no further action certificate has been issued,
10 and reimbursement for the permanent closure of an underground
11 storage tank system. The bill provides that claims for
12 releases filed on or after the effective date of the bill are
13 not eligible for payment from the Iowa comprehensive petroleum
14 underground storage tank fund.

15 The bill includes transition provisions retaining the
16 effectiveness of rules, regulations, forms, orders, or
17 directives promulgated by the CPUSTF board until amended,
18 repealed, or supplemented by affirmative action of the
19 department. Any moneys credited to the CPUSTF on and after the
20 effective date of the bill are transferred to the department
21 for deposit in the storage tank management account.

22 The division of the bill that includes transition provisions
23 takes effect upon enactment of the bill.