

**CHAPTER 1090**UNEMPLOYMENT BENEFITS  
CONTESTED CASE HEARING RECORDS — RETENTION*H.F. 2344*

**AN ACT** relating to the retention of unemployment benefits contested case hearing records.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 96.11, Code Supplement 2001, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11A. UNEMPLOYMENT BENEFITS CONTESTED CASE HEARING RECORDS. Notwithstanding the provisions of section 17A.12 to the contrary, the recording of oral proceedings of a hearing conducted before an administrative law judge pursuant to section 96.6, subsection 3, in which the decision of the administrative law judge is not appealed to the employment appeal board, shall be filed with and maintained by the department for at least two years from the date of decision.

Approved April 8, 2002

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**CHAPTER 1091**GROUNDWATER AND SOIL CONTAMINANT STANDARDS —  
LAND RECYCLING AND REMEDIATION*H.F. 2417*

**AN ACT** relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455H.203, subsection 2, Code 2001, is amended to read as follows:

2. In establishing these standards, all of the following shall be considered:

a. Separate standards shall be established for hazardous substances in soil, in groundwater which is a protected groundwater source, and in groundwater which is not a protected groundwater source.

b. In groundwater which is a protected groundwater source, the standards shall be ~~no more protective than the least restrictive~~ of the maximum contaminant levels established pursuant to the department's drinking water standards, ~~a standard reflecting an increased cancer risk of one in one million, or a standard reflecting a noncancer health risk of one or, for contaminants that do not have established drinking water standards, the standards shall be derived in a manner comparable to that used for establishment of drinking water standards.~~ a standard reflecting an increased cancer risk of one in one million, or a standard reflecting a noncancer health risk of one or, for contaminants that do not have established drinking water standards, the standards shall be derived in a manner comparable to that used for establishment of drinking water standards. An affected area shall not be required to be cleaned up to concentration levels below or more restrictive than background levels.

c. In groundwater which is not a protected groundwater source, the standards shall be no more protective than ~~the least restrictive of a standard reflecting an increased cancer risk of one in ten thousand from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable, or possible human carcinogens.~~ a standard reflecting an increased cancer risk of one in ten thousand from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable, or possible human carcinogens.

ogens. An affected area shall not be required to be cleaned up to levels below or more restrictive than background levels.

d. In soil, the standards shall be no more protective than ~~the least restrictive of~~ a standard reflecting an increased cancer risk of ~~one five~~ in one million from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable, or possible human carcinogens. An affected area shall not be required to be cleaned up to concentration levels below or more restrictive than background levels.

e. Statewide standards specified in paragraphs "b", "c", and "d" assume exposure to individual contaminants in groundwater or soil. If more than one contaminant exists in a medium or exposure to contaminants can occur from more than one medium, standards shall be adjusted to reflect a cumulative increased cancer risk that is no less protective than one in ten thousand and a cumulative noncancer health risk to the same target human organ that is no less protective than one. Risks associated with background levels of contaminants shall not be included in the cumulative risk determination.

Sec. 2. Section 455H.204, subsection 2, paragraph f, Code 2001, is amended to read as follows:

f. Cleanup shall not be required in an affected area that does not present any of the following:

(1) An increased cancer risk from a single contaminant at the point of exposure of ~~one five~~ in one million for residential areas or one in ten thousand for nonresidential areas.

(2) An increased ~~noncancer health risk at the point of exposure of greater than one cancer risk from multiple contaminants or multiple routes of exposure greater than one in ten thousand.~~

(3) An increased noncancer health risk from a single contaminant at the point of exposure of greater than one, or greater than one-tenth for possible carcinogens.

(4) An increased noncancer risk to the same target human organ from multiple contaminants or multiple routes of exposure greater than one.

Sec. 3. NEW SECTION. 455H.208 PUBLIC PARTICIPATION.

Public participation shall be a required component of the process for participants for all sites enrolled in the land recycling program. The required level of public participation shall vary depending on the conditions existing at a site. At a minimum, the department shall notify all adjacent property owners, occupants of adjacent property, and the city or county in which the property is located of a site's enrollment in the land recycling program and of the scope of work described in the participation agreement; and give the notified parties the opportunity to obtain updates regarding the status of activities relating to the enrolled site in the land recycling program. The notification shall not be required before the participant has had the opportunity to collect basic information characterizing the nature and extent of the contamination but the notification shall be required in a timely manner allowing appropriate parties to have input in the formulation of the response action. If contaminants from the enrolled site have migrated off the enrolled site or are likely to migrate off the enrolled site, as determined by the department, the department shall notify by direct mailing all potentially affected parties, including the city or county in which the potentially affected property is located, and officials of any potentially impacted public water supply and the notified parties shall be given opportunity to comment on proposed response actions. The department may require the participant of an enrolled site to publish public notice in a local newspaper if widespread interest in the site exists or is likely to exist as determined by the department. The department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.

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