

CHAPTER 28

EMERGENCY AND HAZARDOUS CHEMICALS — REGULATION AND PLANNING

S.F. 351

AN ACT providing for the elimination of the Iowa emergency response commission.

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

Section 1. Section 29C.5, Code 2017, is amended to read as follows:

29C.5 Department of homeland security and emergency management.

The department of homeland security and emergency management is created. The department of homeland security and emergency management shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in [section 29A.3A](#) in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities. ~~The Iowa emergency response commission established by [section 30.2](#) is attached to the department of homeland security and emergency management for organizational purposes.~~

Sec. 2. Section 30.1, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 3. Section 30.1, subsection 2, Code 2017, is amended to read as follows:

2. “Committee” means a local emergency planning committee appointed by the ~~commission~~ department.

Sec. 4. Section 30.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Department” means the department of homeland security and emergency management.

Sec. 5. Section 30.5, Code 2017, is amended to read as follows:

30.5 Commission Department powers and duties.

1. ~~The commission~~ department has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to [chapter 17A](#). All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. ~~The commission~~ department may enter into agreements pursuant to [chapter 28E](#) to accomplish any duty imposed upon the ~~commission~~ department by the Emergency Planning and Community Right-to-know Act, but the ~~commission~~ department shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the ~~commission~~ department under [sections 30.7](#), and 30.8, ~~and 30.9~~ shall be included in the budgets of the department of natural resources and the department of homeland security and emergency management.

3. ~~The commission~~ department may request from any state agency or official the information and assistance necessary to perform the duties of the ~~commission~~ department. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

4. The department shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The department may, upon request, revise its designations of districts and appointments of committee members.

5. The department shall supervise and coordinate the activities of the committees.

6. Upon request by a state or local official or any person, the department shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the

Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, and provide the information to the requesting party.

7. The department shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

8. The department shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

9. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003, shall be submitted to the department. After initial submission, a plan need not be resubmitted unless revisions are requested by the department. The department shall review the plan and shall incorporate the provisions of the plan into its responsibilities under [chapter 29C](#).

10. The department shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

Sec. 6. Section 30.7, Code 2017, is amended to read as follows:

30.7 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.

Agreements negotiated by the ~~commission~~ department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Material safety data sheets or a list ~~for~~ of chemicals required to be submitted to the ~~commission~~ department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

2. Emergency and hazardous chemical inventory forms required to be submitted to the ~~commission~~ department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

3. The department of natural resources shall advise the ~~commission~~ department of the failure of any facility owner or operator to submit information as required under sections 311 and 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021 and 11022.

4. The department of natural resources shall make available to the public upon request during normal working hours the information forms in its possession pursuant to sections 312 and 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022 and 11044.

5. The department of natural resources shall compile data or information from the emergency and hazardous chemical inventory forms required to be submitted to the ~~commission~~ department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022.

Sec. 7. Section 30.8, Code 2017, is amended to read as follows:

30.8 Duties to be allocated to department of natural resources.

Agreements negotiated by the ~~commission~~ department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Emergency notifications of releases required to be submitted to the ~~commission~~ department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

2. The department of natural resources shall advise the ~~commission~~ department of the failure of any facility owner or operator to submit a notification as required under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004.

3. The department of natural resources shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

4. The department of natural resources shall compile the data collected pursuant to section 313 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11023, and shall make the compiled data available to the public upon request.

Sec. 8. Section 30.10, Code 2017, is amended to read as follows:

30.10 Powers of local emergency planning committees.

The local emergency planning committee appointed by the ~~commission~~ department for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act.

Sec. 9. Section 30.12, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The ~~commission~~ department may commence a civil action against an owner or operator of a facility who has violated federal requirements to do any of the following:

Sec. 10. REPEAL. Sections 30.2, 30.3, 30.4, 30.6, and 30.9, Code 2017, are repealed.

Sec. 11. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. [Section 30.5](#) to [section 30.2](#).
- b. [Section 30.7](#) to [section 30.3](#).
- c. [Section 30.8](#) to [section 30.4](#).
- d. [Section 30.10](#) to [section 30.5](#).
- e. [Section 30.11](#) to [section 30.6](#).
- f. [Section 30.12](#) to [section 30.7](#).

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Approved April 7, 2017