

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

Regulatory Analysis

Notice of Intended Action to be published: 591—Chapters 1 through 4, 9, 11, 13, 16, and 17
“Rescission of Chapters”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455G (repealed), 17A.7(2), and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 455G (repealed) and section 17A.7(2) and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2025
2 to 3 p.m.

Videoconference call
Please contact Keith Wilken at
USTEO10@dnr.iowa.gov for videoconference call
information

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department of Natural Resources (Department) at USTEO10@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al USTEO10@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Keith Wilken
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.681.0794
Email: USTEO10@dnr.iowa.gov

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Purpose and Summary

The rules of the Underground Storage Tank (UST) Fund Board (Board) were intended to govern the Board and regulate the disbursement of moneys allocated to the Board by Iowa Code chapter 455G and other applicable laws. On April 19, 2024, Governor Reynolds signed 2024 Iowa Acts, Senate File 2414, into law, which dissolved the Board. The legislation also transferred the remaining

moneys to the Department to disperse consistent with the laws previously governing the Board, and capped the moneys available to that amount currently appropriated to the fund. Additionally, Senate File 2414 transferred the rules of the Board to the jurisdiction of the Department.

The rules will continue to provide benefits to stakeholders while funds remain available for dispersal. The Department anticipates the final dispersal of regulated funding ending by December 31, 2026. As such, the Department proposes to rescind the rules in their entirety effective that same day. This delayed rescission will provide stakeholders ample time to request reimbursement for actions, such as tank removals and other funding regulated by the rules. After that date, the Department will rely on the authority of Iowa Code chapter 455B and existing, related agreements to finalize any matters remaining.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There will be no further impact to any person by this rulemaking due to the repeal of Iowa Code chapter 455G.

- **Classes of persons that will benefit from the proposed rulemaking:**

There will be no further impact to any person by this rulemaking due to the repeal of Iowa Code chapter 455G.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

There will be no further costs of this rulemaking due to the repeal of Iowa Code chapter 455G.

- **Qualitative description of impact:**

There will be no further costs of this rulemaking due to the repeal of Iowa Code chapter 455G.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

There will be no further costs of this rulemaking due to the repeal of Iowa Code chapter 455G.

- **Anticipated effect on State revenues:**

There will be no further costs of this rulemaking due to the repeal of Iowa Code chapter 455G.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction is not an option in this matter due to the repeal of Iowa Code chapter 455G.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Rescission of these chapters is necessary due to the repeal of Iowa Code chapter 455G.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There will be no impact on any small business by this rulemaking due to the repeal of Iowa Code chapter 455G.

Text of Proposed Rulemaking

- ITEM 1. Rescind and reserve **591—Chapter 1.**
- ITEM 2. Rescind and reserve **591—Chapter 2.**
- ITEM 3. Rescind and reserve **591—Chapter 3.**
- ITEM 4. Rescind and reserve **591—Chapter 4.**
- ITEM 5. Rescind and reserve **591—Chapter 9.**
- ITEM 6. Rescind and reserve **591—Chapter 11.**
- ITEM 7. Rescind and reserve **591—Chapter 13.**
- ITEM 8. Rescind and reserve **591—Chapter 16.**
- ITEM 9. Rescind and reserve **591—Chapter 17.**