

Rulemaking on Underground Storage Tank Regulation Update: Responsiveness Summary for 567 IAC Chapter 134

Dated 3.31.26

INTRODUCTION

This is a summary of the Iowa Department of Natural Resources' (DNR) response to comments received in regards to the proposed rulemaking for 567 Iowa Administrative Code Chapter 134. The primary purpose of the rulemaking is to comply with the directives of Governor Kim Renold's 2023 Executive Order 10.

An initial draft of Chapter 134 was posted on the DNR's website on February 27, 2025 with the DNR's proposed combinations of Parts A, B & C, along with clerical and streamlining proposals. A virtual stakeholder meeting to discuss these proposals was held on March 3, 2025. A second informal stakeholder meeting was held simultaneously in-person and online on May 5, 2025. An updated draft of Chapter 134 was made publicly available on July 24, 2025. The Regulatory Analysis for Chapter 134 was published on September 9, 2025. A formal public hearing was held simultaneously in-person and online on September 23, 2025. Written public comments were received by the DNR throughout this period of time.

The Notice of Intended Action (NOIA) was published in the Environmental Protection Commission's (EPC) meeting agenda on November 23, 2025. The EPC's meeting which included discussion of the NOIA was held on December 9, 2025. The EPC meeting minutes that include the NOIA [are available online](#). The EPC directed the UST Section to add a 3rd public hearing to the 2 required public hearings and to extend each hearing from 1 hour to 2 hours each during the official public comment hearing for the NOIA. The NOIA was published in the [Iowa Administrative Bulletin \(NOIA ARC 9933C\)](#) on January 7, 2026.

During the public comment period for the NOIA, written public comments were accepted until 4:30 pm on January 29, 2026, with three hybrid in-person and virtual public hearings held on January 27th, 28th and 29th from 8am to 10am each day. DNR UST Section staff met with stakeholders informally following the formal public hearings and after all formal comments were received on each of the 3 public hearings on January 27-29, 2026 to discuss outstanding comments where an understanding had not yet been reached between the commenters and the DNR. The Iowa Administrative Rules Review Committee

(ARRC) meeting was held on February 9th, 2026. No comments were presented to the ARRC and there were no questions from committee members. The [minutes of the ARRC meeting are available online](#).

COMMENTS

Comments from stakeholders are summarized below, and full comments are available at the end of this document.

Commenter 1: Cara Ingle, IPECA President Date Received: 4/22/2025

IPECA had several comments specifically for the first draft of the DNR's proposed replacement chapter 134. The first was to eliminate the term "UST Professional". They stated that the term "UST Professional" should be removed from Chapter 134 and replaced with "certified individual," as it is no longer necessary and causes confusion when used interchangeably with company certifications. They also proposed to clarify company certification, as the proposed classification of "UST professional companies" is confusing, and IPECA requests clarification on which certifications apply to companies versus individuals. Another request was to combine the licenses for installer and installation inspector licenses. The reasoning provided was because both are obtained upon completion of the same installer course. Their last proposal was to revise certified tester responsibilities. They stated that the current language restricting service technicians from working on certain monitoring systems should be removed, and that manufacturer-certified service technicians, not just certified testers, should be permitted to perform annual testing on items like ATG systems and electronic leak detectors.

Commenter 2: John Maynes, FUELlowa, Cara Ingle, IPECA, PMMIC & R&A Risk Professionals Date Received: 4/22/2025

This combined group of stakeholders provided their own redline version of the proposed chapter 134, which contained combined comments from the different entities listed above. They reflected the comments summarized above, as well as striking an exam exemption for engineers for an installation inspector and remover certification, striking the duty to report for compliance inspectors, adding back in language relating to mass uploading of inspection data to the DNR Tanks Database, clarifying specific requirements for the Tester certification, and clarifying the general duty to report statement, among various other updates. The full document with comments is provided in Commenter Appendix 2.

Commenter 3: Brian Pottebaum, R&A Risk Professionals Date Received: 9/23/2025

The commenter provided comments requesting the removal of the term "corrosion protection" from the list of work that falls under the purview of a certified UST Installer in Chapter 134. They also requested the removal of 3 subrules from the list of visual inspection in the technical requirements for compliance inspectors as they are "partially redundant and exceeds federal (EPA) guidance for compliance inspections."

Commenter 4: Cara Ingle, IPECA President Date Received: 9/23/2025

IPECA president Cara Ingle provided both a letter and specific written comments regarding the proposed Chapter 134. The primary themes in the comments center on preventing increased regulatory burdens and significant financial implications introduced by the proposed revisions. She states that the adoption of new rules in 2021, which stemmed from new federal requirements, are more stringent than necessary and have created both unforeseen consequences and implementation inconsistencies. Specifically, requiring electronic release detection testing to be performed exclusively by certified testers, rather than the historically used certified service technicians who are explicitly exempt from the chapter's requirements, disrupts established service workflows. This change necessitates dispatching a separate, certified tester to retest equipment after routine service calls, potentially doubling or tripling repair expenses for owner/operators. The comments also state that these changes impose greater requirements than federal regulations, as there is no equivalent federal certification program, ultimately leading to substantial logistical challenges for member companies. They also included clerical cleanup comments.

Commenter 5: Jennifer Carpenter, Seneca Companies

Date Received: 9/23/2025

This commenter stated they were not in favor of the proposed language to require a UST Tester to hold manufacturer certification for the testing they were doing on a site, if that certification is applicable. They also stated that they would like to add language clarifying that a certification is not required for certain types of testing.

Commenter 6: John Maynes, FUELlowa

Date Received: 9/23/2025

The commenter provided a document outlining the several proposals, including clarifying the coursework required for a Liner certification, striking the term "UST Professional" from the chapter, updating terminology to industry standards, clarifying the Tester certification among various comments. The full document with comments is provided in Commenter Appendix 6.

Commenter 7: John Maynes, FUELlowa

Date Received: 1/27/2026

The commenter provided a request to clarify what testing is required to be done by a certified UST Tester and what could be done by an uncertified individual.

Commenter 8: John Maynes, FUELlowa

Date Received: 1/29/2026

The commenter provided updates to comments provided earlier in the week and requested that these new comments replace the priorly submitted comments. Comments centered on clarifying who may sign off on installation related testing v. sign off related to an owner's periodic testing requirements.

Commenter 9: Patrick Rounds, PMMIC Insurance and R&A Risk
Professionals

Date Received: 1/29/2026

While their company supports the recently rewritten regulatory rules, the commenter emphasized their view that these changes must maintain existing inspection processes to avoid significant financial risks for them and their clients.

DNR RESPONSE TO COMMENTS, CHANGES TO FINAL RULE:

The DNR UST Section EO10 Committee thanks all the commenters, as well as hearing and informal meeting attendees for their comments and input into this rulemaking. Following discussion internally and externally with stakeholders, the DNR has determined the following revisions to the rules are both appropriate relative to the applicable state and federal laws regulating UST and address the stakeholder comments summarized above. The following are highlights of changes made to the proposed final rule. A redline draft version and a user-friendly crosswalk have been posted on the DNR Land Quality Bureau's [Rulemaking webpage](#).

The DNR has combined Parts A, B & C of Chapter 134 into 1 section. This was done to cut down on duplicative language in each section and streamline the chapter for users. There is now 1 section that outlines the general application process, requirements for initial certification, and renewal processes. Then the specific initial certification, renewal requirements and specific responsibilities for each certification are listed. The last section of the chapter is the disciplinary action policy for both the general program and as well as specific policies for different certifications. Also, all definitions were moved from Chapter 134 to Chapter 135, in order to increase consistency and reduce word count between all IAC chapters that govern the UST Section.

UST section staff made an effort to streamline language where possible in order to create more uniformity between different certifications while maintaining the same certification requirements and responsibilities, as well as some small changes the team felt were within the spirit of EO10.

Beyond the combination of previously separate sections, the DNR made initial notable changes as listed below:

- Making all UST Professional "Licenses" into "Certifications"
- Waiving continuing education renewal requirements for all certifications for first renewal period for an individual
- Extending a \$50 late fee to all renewal applications, regardless of the specific certification type
- Codifying the minimum passing grade for the IA Groundwater Professional Certification exam
- Removing the requirement for a specific course and exam for UST Testers and Liners
- Changing the wording of safety requirements to take out language that is duplicative of OSHA requirements and then clarifying initial certification safety training requirements for UST Installers, Liners and Removers

- Updating language for electronic inspection reporting for compliance inspectors to allow for the DNR to develop new technologies to offer to compliance inspectors and their companies

Upon receiving comments from stakeholders, DNR staff made the following additional changes:

- Adding back in language outlining the mass upload of electronic compliance inspections from compliance inspection companies
- Adding explicit language allowing companies to use alternative Secondary Containment Testing Forms
- Striking the term “UST Professional” from the chapter
- Clarifying language regarding the professional company certification
- Adding language clarifying when deficiencies need to be reported when found by a compliance inspector
- Adding a requirement for a compliance inspection to include an overall site photo in the final inspection report
- A specific conflict of interest statement for compliance inspectors was added back in
- The number of installation inspections required for an install vs a system upgrade
- An added rule to address stakeholder concerns about the Tester certification was struck as stakeholders felt it reached beyond the intended effect
- The specific signatures required on an installation testing results vs system upgrade testing results were clarified
- Additional technical language and clerical updates were made and more duplicative language was removed

Commenter Appendices

Commenter 1 Appendix

Commenter 1: Cara Ingle, IPECA President

Date Received: 4/22/2025



April 21, 2025

Iowa Department of Natural Resources
UST Section
6200 Park Ave, Des Moines IA 50321

Iowa's Petroleum Equipment Contractors Association (IPECA) consists of Iowa certified installers/installation inspectors, compliance inspectors, testers, liners, removers, cathodic protection testers and certified groundwater professionals from various certified companies in Iowa. Our active members currently have 75 individuals certified covering all certifications.

IPECA members support being submitted by Fuel Iowa for the Iowa Administrative Code Chapters 134, 135, & 136. Our organization has provided our own comments which are included in the red-line drafts being submitted by stakeholders as a whole.

Notable comments:

- The use of the term “UST Professional” should be eliminated. The new definition would include CGPs and inspectors. UST Professional is not a term needed anymore and it is not used in Chapter 135. References to the term in 134 should also be deleted or updated to say “certified individual”.
- Addition of a certification classification called “UST professional companies” is confusing. Which certifications can be companies and which can be individuals. These terms are used interchangeably throughout Chapter 134 document. It’s causing some confusion among companies. Please clarify or make a change.
- Request the installer and installation inspector licenses be combined in Chapter 134. Both licenses are given upon completion of the installer course.
- Under the responsibilities of a certified tester, “monitoring systems as required by 567-135” should be removed or replaced with other language. This restricts service technician from performing work on ATG systems, electronic leak detectors, and sensors used for interstitial monitoring. These components must be tested annually and can be done by manufacturer certified service technicians, not just testers.

Our organization formally requests the next round of informal meetings be available in-person so discuss changes to the rules. In-person meetings help us build a better relationship as an industry with regulators as we navigate these changes.

Thank you for your time and consideration.

Cara Ingle
IPECA President



Commenter 2 Appendix

Commenter 2: John Maynes, FUEllowa, Cara Ingle, IPECA, PMMIC &
R&A Risk Professionals

Date Received: 4/22/2025

CHAPTER 134
UNDERGROUND STORAGE TANK CERTIFICATION PROGRAMS

567-134.1(455B) Scope. The purpose of this chapter is to provide rules for the certification of groundwater professionals, compliance inspectors, and other UST professionals; including certification qualification, fees and administration.

567-134.2(455B) Definitions incorporated by reference. The definitions in 567 IAC Chapter 135, Iowa Code 455B.471, and 40 of Federal Regulations (CFR) 280 shall apply to this chapter.

Commented [RC1]: 134.1, 134.6, 134.17

567-134.3(455B) Certification classifications for individuals and companies

134.3(1) A separate certification will be issued for:

- a. UST installers/installation inspectors;
b. UST removers;
c. UST testers;
d. UST cathodic protection testers;
e. UST liners;
f. UST Installation inspectors;
g. UST compliance inspectors;
h. Groundwater professionals;
i. UST professional companies

Commented [RC2]: 134.19(1)

Commented [RC3]: 134.9(1)

Commented [RC4]: 134.13, 134.19(2)

134.3(2) A company employing certified individuals for compliance inspections, installation, upgrading, removal, lining or testing of UST systems shall be certified as a company. A company may have its certification revoked if it employs uncertified individuals to do work requiring a certification.

Commented [RC5]: 134.19(3)

Commented [RC6]: 134.19(2)

134.3(3) Service technicians as defined in 567 - 135 are exempt from certification under this chapter.

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Commented [RC8]: 134.18

567-134.4(455B) General certification requirements

134.4(1) Applications and certificates

a. Applications for certifications shall be submitted on a form provided by the department along with all required supporting documentation. Certificates shall be issued and renewed on a two-year calendar basis. Groundwater professional certificates expire on December 31 of each odd numbered year and all other certificates expire on December 31 of each even numbered year. All applicants must be at least 18 years of age.

Commented [RC9]: 134.3(1), 134.7(2)d, 134.9(2) 134.11(1), 134.19

b. Applications shall contain the following information:

Commented [RC10]: 134.19

(1) Evidence that the applicant meets the experience, education, and other qualification prerequisites contained in this chapter for each certification.

(2) Contact information for the applicant.

(3) Other information necessary for a determination of the applicant's qualifications.

Commented [RC11]: 134.7(2)d, 134.9(2)a-c, 134.9(4)

134.4(2) Certification fees. A \$200 fee shall be submitted for each groundwater professional certification. For all other certifications, a \$200 fee shall be submitted with each application for an initial company and individual certification application, including when an individual applies for multiple non-groundwater professional certifications using a single DNR-approved form. Fees non-refundable, are payable to the Department of Natural Resources, and will not be prorated.

Commented [RC12]: 134.3(2)

134.4(3) Reciprocity. Persons who are certified as a UST installer, installation inspector, tester, liner, or remover under another state or federal regulatory program which has been approved by the department may be eligible for certification in Iowa without having to take a course of instruction or pass the examination. Applicants for reciprocity shall still pay the application fee and follow certification renewal requirements.

Commented [RC13]: 134.3(2), 134.9(2), 134.9(3), 134.13, 134.19(3)

Commented [RC14]: 134.19(6)b-c

567-134.5(455B) Liability insurance

134.5(1) Environmental liability insurance All certificate holders, except for compliance inspectors and groundwater professionals, must hold environmental liability insurance as required by Iowa Code 455B.474(10). A certified company may provide insurance for all of its employees who are UST certificate holders.

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Commented [RC16]: 134.19(5)a

134.5(2) Employer exception. UST professionals Certified individuals employed by owners or operators of UST systems to work only on the owner's or operator's private system(s) are exempt from insurance requirements.

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Commented [RC18]: 134.19(5)c

134.5(3) Forms of acceptable insurance. All parties certified by this chapter, except groundwater professionals and compliance inspectors, will provide evidence of environmental liability insurance to the department.

a. Environmental liability insurance may be provided by a private insurer authorized to do business in Iowa.

b. Evidence of environmental liability insurance may be provided using methods of self-insurance as outlined in 567—136.

134.5(4) Professional liability insurance requirements. All certified compliance inspectors are required to have professional liability insurance with minimum liability limits of \$1 million per occurrence and in the aggregate.

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Commented [RC20]: 134.19(5)d

Commented [RC21]: 134.12

567-134.6(455B) Training courses and examinations

134.6(1) Requirements

a. Prior to the issuance of a certification as a groundwater professional, installer—installation inspector, compliance inspectors, liners or remover, the applicant will successfully complete a department-led or department-approved training course and pass a qualification examination offered or approved by the department.

b. Examination requirements for all individual certificate holders.

(1) A passing grade of not less than 75 percent is required on the respective examinations for installers, installation inspectors, removers and compliance inspectors. A passing grade of not less than 70 percent is required on the groundwater professional examination.

(2) Applicants who have failed the examination may not perform work unless supervised by an appropriately certified individual.

(3) A fee reflecting the actual costs of developing and administering each course of instruction and examination may be charged.

(4) Nothing in this chapter shall limit the right of the department to require additional educational requirements of certification holders.

c. An applicant who receives less than a passing score on an examination may retake the test within 180 days without reapplying. The application of an applicant who fails the second examination will be denied. An applicant who fails the second examination may reapply for certification, but may not retake the examination until the applicant has successfully completed a course of instruction that is administered or approved by the department and which is administered after the applicant's second test.

134.6(2) Educational offering requirements

a. The requirement for educational offerings may be met only by those courses which have been approved by the department.

b. Form of course approval. Approval of a course may take the form of:

(1) Program approval granted by the department to the sponsor or instructor of an education offering;

(2) Individual requests for credit granted by the department to an installer or inspector for an education offering whose sponsor or instructor did not seek program approval; or

(3) Blanket approval granted by the department to education offerings sponsored by the department or other professional organizations whose standards have been approved by the department.

c. Procedures for course approval

(1) Application for program approval shall be made by the sponsor or instructor to the department and include an agenda or an outline of the content of the proposed education offering.

(2) The application shall be reviewed by the department, and notice of approval or denial of program approval shall be sent to the sponsor or instructor. Credit hours may be limited by the department based on program content.

d. Proof of participation. Any approved course must provide participants a certificate of satisfactory completion of the course or provide the department a list of participants who have satisfactorily completed the course.

134.6(3) Exceptions to required training

a. An applicant may be issued a compliance inspector certification without the required training if all other requirements are satisfied and the required training is not offered within 60 days of the date of application. The applicant must attend required training when required training is next offered. If an applicant receives a

Commented [RC22]: 134.2(3), 134.7(2)b, 134.10(1)-(2), 134.19(6), 134.19(6)b

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Commented [RC24]: 134.19(6)a(2)

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certification under this temporary exception, the individual must attend required training, if offered, before renewal of the certification.

b. If an applicant receives a compliance inspector certification under the temporary training exception above all compliance inspection activities must be conducted under the supervision of a trained Iowa-certified compliance inspector. Supervision does not require the trained Iowa-certified compliance inspector to be on site for compliance inspections conducted by the inspector who has not completed the required training. The trained Iowa-certified compliance inspector must co-sign compliance inspections conducted by the inspector who has not completed the required training.

c. Cathodic protection testers are not required to complete a course of instruction but are required to maintain AMPP certification, STI cathodic protection certification or equivalent certification approved by the department.

134.6(4) Exemption from examination

a. A professional engineer exempted from groundwater professional certification examination pursuant to provision Iowa Code 455B.474(9)(g) must meet the continuing education requirements of 567-134.8(2) for the exemption to apply.

b. ~~An engineer who is conducting business as an installation inspector or remover and who has met the requirements in Iowa to be a registered professional engineer (P.E.) is exempt from the educational requirements so long as UST related work is in the scope of the engineer's P.E. license and regular practice. Professional engineers must meet the continue education requirement of 567-134.8 for this exemption to apply.~~

567-134.7(455B) Certification issuance. Upon receipt, review, and acceptance of an application and corresponding fee, the department will furnish the applicant with a certificate showing the name of the individual and the expiration date.

567-134.8(455B) Certification renewal

134.8(1) Renewal period. Applications for renewal must be submitted on a form provided by the department and no later than 30 days prior to the expiration date. If a certificate holder fails to renew the certification by the expiration date, the department may grant a grace period during which the applicant may submit the application and payment of the renewal fee.

134.8(2) Renewal requirements.

a. The renewal application shall be accompanied by a \$200 renewal fee. Company renewal applications will include proof of liability insurance as required under 567-134.5. Applications received after the December 1 deadline will be accepted with an additional \$50 late fee.

b. To be eligible for renewal, an individual certificate holder shall fulfill all continuing education requirements, along with any other requirements set forth in each certification classification rule in this chapter. The department will consider all past disciplinary actions against the certificate holder when evaluating renewal eligibility.

134.8(3) Continuing education

Individual certificate holders must complete continuing education requirements as follows.

a. Groundwater professionals must complete 12 hours of continuing education every two years in the areas relating to underground storage tank contamination assessment and corrective action activities.

b. Cathodic protection testers must complete continuing education sufficient to maintain AMPP or STI cathodic protection certification, or department-approved equivalent certification.

c. All other certificate holders must complete 8 hours of department approved continuing education every 2 years.

d. Proof of completion of continuing education must be submitted to the department no later than the date of each renewal application. The department may limit the number of hours granted for similar courses during a renewal period.

e. An individual's first certification period's continuing education requirements can be waived. Continuing education hours cannot be carried forward to the next renewal period.

f. Courses other than those currently approved by the department may be submitted to the department for consideration of approval.

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Commented [RC34]: 134.19(6)b, 134.19(7)

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Commented [RC39]: 134.3(4)b, 134.9(3), 134.13, 134.20(1)

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Commented [RC41]: 134.3(5)

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Commented [RC43]: 134.3(5), 134.11(2), 134.19(7)

Commented [RC44]: 134.3(5)a

Commented [RC45]: 134.3(5)b

567-134.9(455B) Groundwater professional certification requirements In order to be certified as a groundwater professional, a person must meet one or more of the criteria described in Iowa Code section 445B.474(9). For a person to qualify under Iowa Code section 455B.474(9)(b)(4), at least two years of related formal education is required. Per 455B.474(9)(c), for persons qualified to be certified under this rule, the failure to obtain a certificate prior to conducting applicable work will result in a fifty-dollar civil penalty.

Commented [RC46]: 134.2(2)

567-134.10(455B) UST compliance inspector certification requirements

Commented [RC47]: 134.5

134.10(1) Certification Qualifications

Commented [RC48]: 134.14

a. A person retained by an owner or operator of a UST facility for the purpose of determining compliance of a UST system for a compliance inspection required by the department under 567—135.19 must hold a current UST compliance inspector certification issued by the department.

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b. Inspector certification will be issued by the department to a person who:

Commented [RC50]: 137.7(2)b

(1) Meets the certification requirements listed under 567—134.6;

(2) Satisfies one of the following:

1. Is a certified installer/~~installation inspector~~;

~~2. Is a certified installation inspector;~~

3. Has participated on a minimum of 50 onsite compliance inspections with a certified compliance inspector;

4. Has two years of experience working with petroleum equipment, including installations, maintenance, or testing; or

5. Has other relevant experience approved by the department; and

Commented [RC51]: 134.7(2), 134.9(1)

(3) Is not found to be in violation of this chapter and has not had a UST professional certification revoked by the department.

Commented [RC52]: 134.7(2)e

134.10(2) Renewal qualifications. To be eligible for certification renewal, a compliance inspector shall have:

a. Fulfilled the department’s continuing education requirements in 567—134.8; and

b. Conducted at least 12 compliance inspections in the past two years.

Commented [RC53]: 134.11(2)-(3)

134.10(3) UST compliance inspector responsibilities

a. The UST compliance inspector shall conduct a compliance inspection in accordance with this rule and 567—135. The inspector shall notify the department of the date of a site inspection at least ten days prior to the inspection or another time frame approved by the department. ~~The compliance inspector is required to report any compliance deficiencies identified while performing any other services 10 or less days prior to the compliance inspection.~~

Commented [RC54]: 134.14

b. *Inspection process* Upon completion of the site inspection, the inspector shall send an inspection report to the owner and operator within ten business days, except for the notice of a potential suspected or confirmed release as provided in paragraph “b.” At a minimum, the report shall ~~satisfy~~ provide the following to the owner and operator:

(1) ~~The inspector shall notify the owner and operator of a~~Any violations or deficiencies related to 567—135 or other applicable state or federal law, and those specific actions necessary to correct the violations or deficiencies.

~~(2) The inspector shall immediately upon discovery notify the owner and operator of a suspected release as provided in 567—135.6. The notice shall advise the owner and operator of their duty to report the condition to the department within 24 hours or within 6 hours if a hazardous condition exists as defined in 567—131.1 and of their duty to take necessary steps to investigate and confirm suspected releases within the time frames specified in 567—135.6. The inspector shall record in the inspection report submitted to the department the date and time of the notice to the owner and operator.~~

(3) ~~The inspector shall notify the owner and operator of a~~Applicable time frames to correct violations or deficiencies if established in 567 – 135, or within 60 days of receipt of the inspection report or another reasonable time period approved by the department.

(4) A final electronic report shall be submitted to the department and a copy provided to the owner and operator as provided in 567-134.10(3)c, within the following time frames:

1. Within 10 business days of the inspection, if the results of the inspection find no violations or deficiencies requiring corrective action.

2. Within 10 business days of the inspector’s receipt of all necessary documentation of all action required to correct violations and deficiencies.

3. In any case, no later than 90 days of the site inspection.

Commented [RC55]: 134.14(1)a-d

c. *Electronic inspection reporting.* The inspector shall prepare an electronic report in accordance with the following:

(1) The inspector shall enter the results of the site inspection discovered at the time of the inspection and any actions taken to correct violations and deficiencies on an Internet-based electronic format developed by the department and in accordance with guidance. The department's software will be capable of generating an inspection report.

(2) The department shall develop a compatible electronic platform using XML language. The department shall provide the XML schema file format to describe the data needed to allow an inspector to transfer multiple site inspection results in an electronic batch process over the Internet using the department's inspection website.

(3) The inspector shall provide a print copy of the electronically generated inspection report to the owner and operator or an alternative report approved by the department.

d. *Evidence of violations or deficiencies.* Any evidence of violations or deficiencies observed during the inspection must be photographed using a digital photo. The digital photographs must be submitted as part of the electronic inspection report and maintained by the inspector for five years as part of the inspector's records. At a minimum an overall site photo must be uploaded.

e. *Records.* The inspector must provide any inspection records provided by the owner and operator to the department upon request.

f. *Inspection technical requirements.* An inspector of a UST system must check for compliance with the technical standards of 567—135. following the department's guidance. The inspection of a UST system currently in operation shall include, but not be limited to, the following:

(1) The material currently stored in the UST.

(2) The type of tank and lines currently at the site as compared to the registered information on the department's database.

(3) Checking site records demonstrating operational compliance, 567—135.4(5).

(4) Checking release detection records, 567—135.5(6).

(5) Visually checking for releases or other violations by opening covers of dispensers, manways, and containment sumps for submersible pumps and other piping connections for:

1. Indications of a product release and leaking equipment.

2. Deteriorating product lines or excessive bends in product lines or flex connectors.

3. Proper anchoring of breakaways emergency shutoff valves (dispensers only).

(6) Current operating status of impressed current cathodic protection system, if present.

(7) Presence and operational condition of spill and overfill equipment, 567—135.3(1)c.

134.10(4) Conflict of interest. A compliance inspector shall not conduct a compliance inspection if the compliance inspector is the owner or operator of the UST system, an employee of the owner or operator of the UST system, or a person having daily onsite responsibility for the operation and maintenance of the UST system.

567-134.11(455B) UST installer/installation inspector certification requirements

134.11(1) Certification qualifications. An installer of an UST system shall apply for a certification as an installer. In addition to the certification requirements listed under 567—134.6, an installer must:

a. Provide documentation of at least 2 years of relevant experience;

b. Provide documentation of manufacturer certification for work including, but not limited to, tank systems, piping systems, leak detection and monitoring systems, and corrosion protection systems; and

c. Have completed a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training.

134.11(2) Renewal qualifications. To be eligible for certification renewal, an installer shall:

a. Fulfill the department's continuing education requirements in 567—134.8;

b. Maintain manufacturer certification; and

c. Complete an annual 8-hour HAZWOPER refresher course.

134.11(3) UST installer responsibilities

a. A certified installer shall be on site during the performance of all work, including subcontracted work, for which the owner/operator has contracted to have completed by the installer. The certified installer is responsible for all UST-related work at the site and must ensure that the performance of the work and the finished work conform to industry standards and codes and manufacturers' requirements.

b. *Local permits and notification.* The certified installer is responsible for ensuring that all local installation permits and notice requirements are satisfied.

c. *Work performed.* UST system installation includes all work associated with the placement of the tanks, piping, pumps, dispensers, gauging systems, monitoring systems, corrosion protection, containment sumps, spill

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and overfill devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. Installation specifically includes excavation, equipment placement, backfilling, piping, electrical work, testing calibration, and start-up. Tank installation also includes installation of the appropriate equipment to meet National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (40 CFR §63.6580, Subpart ZZZZ), including submerged fill and vapor balance systems (Stage 1 vapor recovery) and the testing of those systems.

d. Testing of UST equipment. Spill prevention equipment, containment sumps and UDC at new installations must be tested to ensure the equipment is liquid-tight before the UST system is placed into service. Acceptable test methods include vacuum, pressure or liquid testing used in accordance with requirements developed by the manufacturer, a code of practice such as PEI RP1200 or methods determined by the department to be no less protective of human health and the environment than the requirements listed in this subrule.

134.11(4) Documentation of work performed. Installing a new UST system or upgrading a UST system requires an installer to submit the department forms and testing documents applicable to the installation, signed by the owner, to the department no later than 30 days after the final third-party inspection or 30 days after completion if no inspection is required. Each certified installer responsible for the new system installation or the upgrading of an existing system shall sign DNR Form 148 as required by 567—135.3(3)e. Secondary containment testing performed at installation or to meet periodic testing requirements shall be recorded. ~~on the department's Secondary Containment Testing form.~~ Test results shall be dated and signed by the certified installer who performed the test.

Commented [RC63]: 134.24(3)

134.11(5) Installation inspector responsibilities

a. Any certified individual who has a current certified installer license, may perform installation inspections. A certified installation inspector is required for inspection and approval of the installation of new or upgraded UST systems as required by 134.11(7).

134.11(6) Documentation of work performed.

a. Installation inspectors are required to use the department's installation inspection checklist. A copy of the inspection report must be submitted within 14 days after the inspection is complete. Both the inspection form and DNR Form 148 must be received by the department before the UST system can be activated.

b. A certified installation inspector shall inspect the job site a minimum of three times during the course of the new tank installation ~~or and a minimum of two times during a UST system upgrade.~~

c. The installation inspector shall be present on site, shall visually observe all inspections, and shall be able to attest to the results. A video or other recording device showing the work completed by the installer shall not be used nor shall it be an acceptable method of providing independent inspection of the work completed.

134.11(7) Inspections required. Inspections are required when concrete is cut or excavation is required that could affect the integrity or operation of the UST system or when a component that routinely contains product is installed, replaced or repaired. Inspections shall occur when the component is uncovered and replaced or repaired and during testing when required (i.e., piping replacement or repair) but before ~~operation the component or components are placed back into operation.~~ ~~recommences.~~

a. An inspection shall occur before the tanks or piping are installed.

b. An inspection shall occur before the covering of tank or piping, when all tanks and piping are exposed. The inspector shall witness testing of the primary and secondary piping and testing of the secondary containment, including sumps, and under-dispenser containment (UDC), ~~and secondary containment leak detection equipment.~~

c. A final inspection shall occur when all components are operational and the system has been covered, but before actual operation.

~~d. Whenever secondary containment (such as sumps or UDC) is installed, at least one inspection is required after the equipment is installed and before the system is backfilled.~~

134.11(8) Inspection not required. Replacing, repairing or installing the following does not require an inspection: drop tubes, overfill devices, spill buckets, installation of ATG systems, dispensers, submersible turbine pumps, automatic line leak detectors, internal lining and periodic inspections or lining repair, cathodic protection systems, interstitial sensors, flex connectors, and line and tank tightness testing.

134.11(9) Pre-work notification requirement.

~~a. A licensed company/individual hired by an owner/operator to perform work shall notify the owner's/operator's licensed installation inspector of choice prior to commencing work. Additionally, the owner/operator is responsible for supplying the name of the installation inspector if it is not a governmental entity to any state or local agency with rules affecting installations or upgrades.~~

b. The pre-work notice given to the installation inspector shall include, at a minimum, the following information:

- (1) Description of the work planned.
- (2) The certified individual responsible for the work to be performed.
- (3) A schedule of the work to be performed.
- (4) A copy of the UST notification of intent to install form submitted to the department.

~~c. The installation inspector shall review the work plan, and any required changes by the installation inspector must be submitted to the company/individual prior to the beginning of the described work. An inspection schedule must be agreed upon before work commences. Changes to the work schedule, to include the inspection schedule, because of weather or unforeseen job site conditions shall be agreed upon as soon as the extenuating circumstances are recognized.~~

134.11(10) Pre-installation and installation checklists.

~~a. The certified company/individual performing the work shall submit to both the installation inspector~~

Commented [RC64]: 134.24(4)

~~and the department a notification of intent to install form 30 days prior to an installation or upgrade.~~

~~b. Installation inspectors are required to use the department's installation inspection checklist. The installation inspection checklist must be submitted within 14 days following the tank installation inspection.~~

134.11(10) Conflict of interest. In addition to the conflict-of-interest provisions outlined in rule 567—134.16(455B), the department may require the owner/operator to seek alternative inspection services for any reason deemed prudent to ensure quality installations.

134.11(11) Miscellaneous requirements. An installation inspector has the right to postpone work or to stop work on a job if standards as outlined in this chapter are not followed by the installer. Furthermore, once an installation inspector has been placed on a job, that installation inspector cannot be replaced without the department's approval. ~~Installation inspectors must verify that any local permit and notice requirements are in place.~~

567-134.12(455B) UST Tester certification requirements

134.12(1) Certification and qualifications. A tester performing precision tank and line tests of UST systems shall apply for certification as a tester. A person engaging in testing described in 567-134.12(3)a(2) need not be certified if that person is under the supervision of an individual certified under 567-134 when conducting those tests. In addition to the certified requirements listed under 567—134.6, a tester shall provide documentation of the following:

- a. Current manufacturer certification(s) for equipment being used for testing; and
- b. Experience as documented by at least one of the following:
 - (1) One year of relevant experience
 - (2) Completion of a minimum of 80 onsite tests with a certified tester; or
 - (3) Other relevant experience as approved by the department.

134.12(2) Renewal qualifications. To be eligible for certification renewal, a tester shall fulfill the department's continuing education requirements in 567—134.8 and shall maintain manufacturer certification.

134.12(3) UST tester responsibilities of testers

a. The certified tester is responsible for testing tanks, lines, mechanical leak detection systems, or monitoring systems as required by 567—135 and this chapter.

(1) A precision test is required when the system is covered and is ready to be placed into service; a volumetric, nonvolumetric, or vacuum test may be used as a method for testing the system and a hydrostatic pressure test may be used for testing the lines. Systems used for leak detection or monitoring (such as statistical inventory reconciliation, vapor or water monitoring wells, or tracer-type tests) shall not be acceptable as a precision test at the completion of the installation of a new system or the upgrading of an existing system. Automatic in-tank gauging may be acceptable if third-party U.S. EPA approval as a precision test has been received for testing tanks.

(2) A certified tester may also perform periodic testing of spill prevention equipment and overfill devices, containment sumps and UDC as required by 567—135. Spill prevention equipment, containment sumps and UDC at new installations must be tested to ensure the equipment is liquid-tight before the UST system is placed into service. Acceptable methods include vacuum, pressure or liquid testing used in accordance with requirements developed by the manufacturer, a code of practice such as PEI RP1200 or methods determined by the department to be no less protective of human health and the environment than the requirements listed in this subrule.

(3) An individual does not need to be certified to conduct periodic testing of spill prevention equipment, containment sumps, and UDC as required by 567—135.4(12).

Commented [RC65]: 134.25(1)

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Commented [RC67]: 134.25(3)

Commented [RC68]: 134.25(3)a

Commented [RC69]: 134.25(3)b

Commented [RC70]: 134.25(3)c

b. Exception to inspection requirement. Installation inspectors are not required for the testing of UST systems, lines, leak detection, and cathodic protection as required by 567—135 after the system has been put into service.

134.12(4) Documentation of work performed. A copy of the test results shall be attached to DNR Form 148 when testing is done in connection with an installation. The test results shall identify the tanks and piping tested, the test method employed, and the results of the test. ~~Periodic testing shall be recorded on the department's Secondary Containment Testing form.~~ Test results shall be dated and signed by the certified tester who performed the tests.

Commented [RC71]: 134.25(4)

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567-134.13(455B) UST liners certification requirements

134.13(1) Certification and qualifications. ~~An individual who provides services to install UST linings and to repair USTs person installing the lining for a UST system~~ shall be certified as a liner. In addition to the certification requirements listed under 567—134.6, a liner shall provide documentation of at least two years of relevant experience, provide documentation of manufacturer certification, and have completed a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) train

Commented [RC73]: 134.26

134.13(2) Renewal qualifications. To be eligible for certification renewal, a liner shall:

- Fulfill the department's continuing education requirements in 567—134.8;
- Maintain manufacturer certification; and
- Complete an annual 8-hour HAZWOPER refresher course

Commented [RC74]: 134.26(1)

134.13(3) Lining system investigation and installation requirements

a. Inspection of internal lining. A steel underground storage tank that satisfies the corrosion protection requirement as set forth in 567—135.3(2)b(1) by the addition of an internal lining shall be internally inspected within ten years of the date the tank was lined and every five years thereafter. The purpose of the inspection is to determine if the lining continues to perform according to the manufacturer's specifications, state and federal rules, and national standards and codes and to determine if the tank is still structurally sound. The department accepts both manned entry and video camera periodic inspections. The lining method employed must be specifically designed for the purpose, be compatible with the product stored, and meet acceptable federal and state standards as set forth in 567—135.

b. Integrity testing for tanks. Liners shall verify structural integrity, to include thickness and strength of the underground storage tanks, whenever tanks are physically entered (manned entry) for periodic inspections. The following standards must be used for lining and periodic inspections and integrity testing:

(1) Physical (manned entry) inspection. American Petroleum Institute (API) Standard 1631: Interior Lining and Periodic Inspection of Underground Storage Tanks.

(2) Video camera inspection. API Standard 1631; "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera" developed by Ken Wilcox Associates Inc. (KWA), Methods A and C; and ASTM G-158 (approved prediction models).

(3) Repairs to lining. Standard 631 of the National Leak Prevention Association (NLPA): Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks. Repaired lining must meet the requirements of API 1631 § 8.

(4) Documentation of the inspection. API 1631—Form C: Tank Re-Inspection Affidavit. Liners shall document any defects noted in the system including, but not limited to, holes and perforations using API 1631—Form C: Tank Re-Inspection Affidavit and shall include photographs of all methods of repair.

Commented [RC75]: 134.26(2)

c. Documentation of work performed. A liner shall submit the API 1631 report form to the department, certifying that all work was performed in accordance with applicable industry standards.

Commented [RC76]: 134.26(4)

567-134.14(455B) UST installation inspector certification requirements

134.14(1) Certification and qualifications. ~~A person inspecting the installation of any UST system shall be certified as an installation inspector. In addition to the certification requirements listed under 567—134.6, an installation inspector shall provide documentation of at least two years of relevant experience and documentation of current manufacturer certification.~~

Commented [RC77]: 134.27

134.14(2) Renewal qualifications. ~~To be eligible for certification renewal, an installation inspector shall fulfill the department's continuing education requirements in 567—134.8 and shall maintain manufacturer certification.~~

Commented [RC78]: 134.27(1)

134.14(3) Installation inspector responsibilities

a. A copy of the inspection report must be submitted within 14 days after the inspection is complete. Both the inspection form and DNR Form 148 must be received by the department before the UST system can be activated.

b. An installation inspector shall inspect the job site a minimum of three times during the course of the new tank installation or system upgrade.

c. The installation inspector shall be present on site, shall visually observe all inspections, and shall be able to attest to the results. A video or other recording device showing the work completed by the installer shall not be used nor shall it be an acceptable method of providing independent inspection of the work completed.

d. Inspections required. Inspections are required when concrete is cut or excavation is required that could affect the integrity or operation of the UST system or when a component that routinely contains product is installed, replaced or repaired. Inspections shall occur when the component is uncovered and replaced or repaired and during testing when required (i.e., piping replacement or repair) but before operation recommences.

(1) An inspection shall occur before the tanks or piping are installed.

(2) An inspection shall occur before the covering of tank or piping, when all tanks and piping are exposed. The inspector shall witness testing of the primary and secondary piping and testing of the secondary containment, including sumps, under dispenser containment (UDC), and secondary containment leak detection equipment.

(3) A final inspection shall occur when all components are operational and the system has been covered, but before actual operation.

(4) Whenever secondary containment (such as sumps or UDC) is installed, at least one inspection is required after the equipment is installed and before the system is backfilled.

e. Inspection not required. Replacing, repairing or installing the following does not require an inspection: drop tubes, overflow devices, spill buckets, installation of ATG systems, dispensers, submersible turbine pumps, automatic line leak detectors, internal lining and periodic inspections or lining repair, cathodic protection systems, interstitial sensors, flex connectors, and line and tank tightness testing.

f. Pre work notification requirement

(1) A certified company/individual hired by an owner/operator to perform work shall notify the owner's/operator's certified installation inspector of choice prior to commencing work. Additionally, the owner/operator is responsible for supplying the name of the installation inspector if it is not a governmental entity to any state or local agency with rules affecting installations or upgrades.

(2) The pre work notice given to the installation inspector shall include, at a minimum, the following information:

1. Description of the work planned.
2. The certified individual responsible for the work to be performed.
3. A schedule of the work to be performed.
4. A copy of the UST notification of intent to install form submitted to the department.

(3) The installation inspector shall review the work plan, and any required changes by the installation inspector must be submitted to the company/individual prior to the beginning of the described work. An inspection schedule must be agreed upon before work commences. Changes to the work schedule, to include the inspection schedule, because of weather or unforeseen job site conditions shall be agreed upon as soon as the extenuating circumstances are recognized.

g. Pre installation and installation checklist

(1) The certified company/individual performing the work shall submit to both the installation inspector and the department a notification of intent to install form 30 days prior to an installation or upgrade.

(2) Installation inspectors are required to use the department's installation inspection checklist. The installation inspection checklist must be submitted within 14 days following the tank installation inspection.

134.14(4) Conflict of interest. In addition to the conflict of interest provisions outlined in 567—134.16, the department may require the owner/operator to seek alternative inspection services for any reason deemed prudent to ensure quality installations.

134.14(5) Miscellaneous requirement. An installation inspector has the right to postpone work or to stop work on a job if standards as outlined in this chapter are not followed by the installer. Furthermore, once an installation inspector has been placed on a job, that installation inspector cannot be replaced without the

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Commented [RC84]: 134.27(7)

~~department's approval. Installation inspectors must verify that any local permit and notice requirements are in place.~~

Commented [RC85]: 134.27(8)

567-134.15(455B) UST remover certification requirements

134.15(1) Certification and qualifications. A person removing any UST system shall be certified as a remover. In addition to the certification requirements listed under 567—134.6, a remover shall provide documentation of at least 2 years of removal or other relevant experience, and complete a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training.

Commented [RC86]: 134.28

134.15(2) Renewal qualifications. To be eligible for certification renewal, a remover shall:

- Fulfill the department's continuing education requirements in 567—134.8;
- Comply with department-issued UST closure guidance in 567-135; and
- An annual 8-hour HAZWOPER refresher course.

Commented [RC87]: 134.28(1)

134.15(3) Responsibilities and documentation of work performed. A certified remover shall be on site during the performance of all UST closure-related work, including subcontracted work, for which the owner/operator has contracted to have completed by the remover. Removers are responsible for ensuring that all work performed complies with OSHA safety requirements. Removers shall submit to the department a notification of closure form 30 days prior to the scheduled removal or fill in place as required in 567—135.15(2). Removers shall submit to the department the closure report within 45 days of removal or fill in place as required in 567—135.15(3)e. Removers shall ensure that all local permits and notice requirements are satisfied.

Commented [RC88]: 134.28(2)

567-134.16(455B) Conflict of interest.

134.16(1) A certified individual or a company may not conduct a UST installation inspection ~~or compliance inspection~~ at any facility at which the ~~certificate holder company or individual~~ is engaged in other professional services such as installations, modifications, repairs, or replacements of UST systems. ~~regulated under this chapter.~~

134.16(2) A person working for certified company as an installer, liner, remover, or tester shall not provide services as an installation inspector on sites where UST systems are being installed or lined by the person's prior employer until six months after leaving the prior employer's certified company. If a certified individual is no longer employed by a certified company, the certified company shall notify the department within 30 days of that occurrence.

Commented [RC89]: 134.21

567-134.17(455B) Duty to report. Any ~~individual or company UST professional~~ certified as a compliance inspector, installer, / installation inspector, tester, liner, or remover shall timely report suspected and confirmed releases within 24 hours of discovery (6 hours if a hazardous condition exists) as described in 567—135.6 to the owner and operator. The ~~UST professional certified individual or company~~ shall recommend to the owner and operator any release confirmation actions or other investigatory and response actions which in the ~~UST professional certified individual or company's~~ judgment would be consistent with the requirements of 567—135.6, along with the owner operators' duty to report to the department. The ~~UST professional certified individual or company~~ shall report to the department within seven days of discovering a confirmed release. The ~~UST professional certified individual or company~~ is not responsible for reporting a suspected release as described in 567—135.6 directly to the department.

Commented [RC90]: 134.22

567-134.18(455B) Disciplinary actions - suspension, revocation and denial of certification

134.18(1) General

a. It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify a person for certification in Iowa. The department intends to investigate and enforce standards of conduct by a certificate holder which fall within the scope of the certificate holder's relationship with the department. The department may impose disciplinary actions which may include notice of deficiency, probation, suspension, revocation, or denial of a certificate.

Commented [RC91]: 134.4(1), 134.15(1), 134.29(1)

b. The suspension or revocation of a certificate holder shall prevent the certificate holder from engaging in activities for which certification is required. A certificate holder shall immediately surrender their certificate after the effective date of a suspension or revocation decision. The department may reinstate the certification if it is determined the person has satisfied the terms of the suspension order and the certification has not expired. Additional education, training, and reexamination may be required as a condition of reinstatement.

Commented [RC92]: 134.15(4)

c. A notice of deficiency may be issued to any certificate holder for any reason below and is not appealable pursuant to 567—134.18(4).

Commented [RC93]: 134.15(6), 134.16(2), 134.29(3)c, 134.29(4)b

134.18(1) Reasons for discipline for groundwater professionals

The department may impose probationary requirements or suspend, revoke or deny certification as a groundwater professional for any of the following reasons:

- a. A material misstatement of fact in an application for certification.
- b. Failure to provide the fee for certification.
- c. Loss of license, certification, or registration necessary to meet the certification requirements in 567—134.9.
- d. Insufficient proof of qualifications required under 567—134.9.
- e. Failure to successfully complete the certification requirements.
- f. Default on an obligation owed to or collected by the state as provided in Iowa Code 421.17(27)e.
- g. Fraudulent omissions or misstatements of material fact in any reports, correspondence or communications with the department.
- h. Violation of an ethical standard which the person knew or should have known and which results in or reasonably could have resulted in material consequences.
- i. Failure to report the presence of contamination to the parties reasonably believed to be responsible for reporting the contamination to the department as provided in 567—131 and 567—135.6.
- j. Knowingly making a materially false statement, representation or certification on any application, record, report, or document maintained or submitted to the department.
- k. Gross incompetence in the performance of groundwater professional services and corrective action.
- l. Material misstatement of facts or misrepresentation of information provided pursuant to Iowa Code chapter 455B, division IV, part 8.
- m. Repeated acts or omissions which, when taken together indicate a lack of competency, professionalism, ethical conduct, or adherence to standards of performance generally expected by the profession. The severity of the sanction may be based on the gravity of the acts or omissions and the degree of culpability. Disciplinary sanctions under this subrule will not be applied without providing the person with at least one written notice of the deficiency and a written warning that future repetition may result in discipline. Conduct or omissions which may be a basis for discipline include but are not limited to the following:

(1) Repeated incidents of substandard field investigation will result in suspension or revocation.

(2) Repeated incidents of substandard, inaccurate or incomplete site cleanup reports and failure to follow site cleanup report instructions will result in suspension or revocation.

(3) Conduct warranting a sanction after prior suspension will result in a revocation.

134.18(2) Reasons for discipline for compliance inspectors

a. *Probation or Suspension.* The department may impose probationary requirements or suspend the certification of a certified inspector for good cause. The suspension may require the certificate holder to take remedial measures intended to correct or prevent future acts and omissions. Good cause includes, but is not limited to:

(1) A violation of these rules.

(2) Negligent misrepresentation of material facts in a compliance report.

(3) Negligent failure to identify a material violation of UST operation and maintenance standards set out in 567—134.10.

(4) Repeated failure to conduct compliance inspections and submit reports in accordance with the standards set out in 567—134.10.

(5) Incompetence on the part of the certified inspector as evidenced by errors in the performance of duties and activities for which the certification was issued.

(6) Repeated failure to submit reports of inspection activities to the department or the owner and operator as provided in 567—134.10.

b. *Revocation.* The department may revoke the inspector certification for one or more of the following:

(1) Willful disregard of, or willful or repeated violations of, this chapter or 567—135.

(2) Fraudulent omissions or misstatements of material facts in a compliance inspection report or in other written or oral communications with the department.

(3) A knowing and willful failure to detect and report a material violation of UST operation and maintenance standards as part of a compliance inspection required by 567—135.19.

(4) Acts or omissions warranting suspension after having certification previously suspended.

Commented [RC94]: 134.4(3)

Commented [RC95]: 134.4(4)

Commented [RC96]: 134.15(3), 134.15(5)

(5) The revocation of a certification as an installer or installation inspector under 567—134.11 or 567—134.14.

Commented [RC97]: 134.16(1)

134.18(3) Reasons for discipline for all other certified individuals UST professionals

a. *Probation or Suspension.* The department may impose probationary requirements or suspend the certificate of any other individual or company certified under this chapter for good cause. A suspension may require the certificate holder to take remedial measures intended to correct or prevent future acts or omissions. Good cause includes, but is not limited to:

- (1) A violation of these rules.
- (2) Negligent misrepresentation of material facts in a report submitted to the department.
- (3) Incompetence on the part of the certificate holder as evidenced by errors in the performance of duties and activities for which the certificate was issued.
- (4) Repeated failure to submit reports of activities to the department or the owner/operator as provided in this chapter.

Commented [RC98]: 134.29(3)

b. *Revocation* The department may revoke the certification of a company or individual for one or more of the following:

- (1) Willful disregard of, or willful or repeated violations of this chapter or 567—135.
- (2) Omissions or misstatements of material facts in a report or in other written or oral communications with the department.
- (3) A knowing and willful failure to detect and report a material violation of UST operation and maintenance standards.
- (4) Acts or omissions warranting suspension after a certification was previously suspended.

Commented [RC99]: 134.29(4)

134.18(4) Disciplinary procedure for all certificate holders

a. Prior to issuance of a final department action imposing a disciplinary sanction of probation, suspension, revocation, or denial of certification, the department shall conduct such lawful investigation as it deems necessary to substantiate material facts sufficient to warrant a disciplinary sanction.

Commented [RC100]: 134.4(5)a

b. Written notice of a sanction shall be sent by certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon and the sanction to be imposed. The notice shall inform the recipient of applicable appeal rights.

Commented [RC101]: 134.4(5)b

c. A person may appeal a decision imposing a probation, suspension, revocation or denial of certification within 30 days of receipt of the notice. Upon timely receipt of the notice of appeal, contested case procedures, including informal settlement, shall apply as provided in 561—7. In accordance with 561—7.5(2), the department shall initiate pleading by the filing of a petition.

Commented [RC102]: Review references for 561-7 later – could change during EO10.

d. If a timely appeal has not been filed, the sanction is effective after 30 days from receipt of the notice. A party may request stay of the sanction, as provided in 561—7.15(7), after issuance of a proposed decision.

Commented [RC103]: 134.4(5)c, 134.15(2), 134.29(2)

134.18(5) Noncompliance with support order procedures. Upon receipt of a certification of noncompliance with a support obligation as provided in Iowa Code 252J.7, the department will initiate procedures to deny an application for certification or renewal, or to suspend a certification in accordance with Iowa Code 252J.8(4). The department shall issue a notice by certified mail to the person of its intent to deny or suspend professional certification based on receipt of a certification of noncompliance. The suspension or denial shall be effective 30 days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code 252J.8(4)c. Pursuant to Iowa Code 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code 252J.9.

Commented [RC104]: 134.4(5)d

Commented [RC105]: 134.4(2), 134.4(6), 134.19

These rules are intended to implement Iowa Code section 455B.474 and chapter 252J.

Commenter 3 Appendix

Commenter 3: Brian Pottebaum, R&A Risk Professionals

Date Received: 9/23/2025

Comments to Notice of Intended Action
Environmental Protection Commission
Proposed Chapter 567--134 "Underground Storage Tank Certification Programs"

Comments submitted by Brian Pottebaum, R&A Risk Professionals, a subsidiary of PMMIC Insurance, 2894 106th St., Suite 220, Urbandale, Iowa 50322.

PMMIC Insurance is an Iowa domiciled P&C insurance company that specializes in financial responsibility insurance coverage for petroleum storage tanks. We insure approximately 60% of all UST systems in the State of Iowa and most of the small owners who own three or fewer facilities. We are the successor of the Iowa UST insurance fund. As part of our insurance coverage, we conduct compliance inspections on every facility every year and we conduct approximately 3/4 of all state mandated compliance inspections in the state of Iowa. We have also provided Class A/B Operator training for most of Iowa's A/B operators, and we provide training for those persons applying to be certified installers and inspectors in Iowa and licensed installation professionals in other jurisdictions.

We appreciate the opportunity to comment on the proposed rules.

Comment 1.

We submitted this comment previously during the previous public comment period. We request the removal of "corrosion protection" from the UST Installer work performed in 134.11(3)c. Any work conducted on corrosion protection, specifically cathodic protection requires a person competent in CP work. This will require proper certification and, in most cases, a certified CP engineer. This work is related to CP tester certification as well as UST Liner certification.

c. Work performed. UST system installation includes all work associated with the placement of the tanks, piping, pumps, dispensers, gauging systems, monitoring systems, ~~corrosion protection~~, containment sumps, spill and overflow devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. Installation specifically includes excavation, equipment placement, backfilling, piping, electrical work, testing calibration, and start-up. Tank installation also includes installation of the appropriate equipment to meet National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (40 CFR §63.6580, Subpart ZZZZ), including submerged fill and vapor balance systems (Stage 1 vapor recovery) and the testing of those systems.

Comment 2.

We request the removal of #1-3 from 134.10(3)f(5) because it is partially redundant and exceeds federal (EPA) guidance for compliance inspections.

f. Inspection technical requirements. An inspector of a UST system must check for compliance with the technical standards of 567—Chapter 135. The inspection of a UST system currently in operation shall include but not be limited to the following:

- (1) The material currently stored in the UST.
- (2) The type of tank and lines currently at the site as compared to the registered information on the department's database.
- (3) Checking site records demonstrating operational compliance (567—subrule 135.4(5)).
- (4) Checking release detection records (567—subrule 135.5(6)).

(5) Visually checking for releases or other violations by opening covers of dispensers, manways, and containment sumps for submersible pumps and other piping connections.

for:

~~1. Indications of a product release and leaking equipment.~~

~~2. Deteriorating product lines or excessive bends in product lines or flex connectors.~~

~~3. Proper anchoring of breakaways (dispensers only).~~

(6) Current operating status of cathodic protection system, if present.

(7) Presence and operational condition of spill and overfill equipment (567—paragraph 135.3(1)“c”).

Commenter 4 Appendix
Commenter 4: Cara Ingle, IPECA President
Date Received: 9/23/2025



September 23, 2025

Iowa Department of Natural Resources
UST Section
6200 Park Ave, Des Moines IA 50321

Iowa's Petroleum Equipment Contractors Association (IPECA) consists of Iowa certified installers/installation inspectors, compliance inspectors, testers, liners, removers, cathodic protection testers and certified groundwater professionals from various certified companies in Iowa. Our active members currently have 80 plus individuals certified covering all certifications.

IPECA members support the comments being submitted by Fuel Iowa for the Iowa Administrative Code Chapters 134, 135, & 136.

As the certified contracting companies who are certified by the Department and directly effected by these rule changes, we respectfully submit the following comments specific for Chapter 134.

Several provisions within the proposed rule introduce additional regulatory burdens that affect both our companies and our customers. When the federal EPA testing and inspection requirements were adopted in 2021, certain implications—particularly those stemming from regulatory interpretation—were unforeseen. One such issue is the requirement that electronic release detection testing be performed exclusively by certified testers. Historically, this testing has been conducted by certified service technicians. This shift is more restrictive than federal regulations and creates inconsistency within the rule. Notably, Chapter 134 explicitly exempts certified service technicians from its regulatory requirements. Furthermore, the manufacturer certifications required for tester designation pertain specifically to the equipment used in testing.

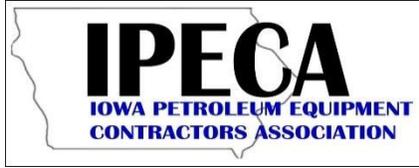
As currently written and interpreted, the rule significantly increases costs for owner/operators. Replacing a failed UST component now potentially doubles or triples the expense, as certified companies must dispatch a certified tester to follow up on hundreds of service calls to retest equipment per manufacturer requirements. This rule introduces substantial logistical challenges for our companies and disrupts established service workflows.

Please note that this chapter, in its entirety, imposes more stringent requirements than federal regulations, as there is no equivalent federal certification program. While the comments in the attached document may appear minor, they carry significant implications for our operations.

Thank you for your time and consideration.

Cara Ingle
IPECA President





Comment 1

134.6(3) – We propose to add the following language

d. Liners are not required to complete a course of instruction but are required to maintain manufacturer certifications or equivalent certification approved by the department to install and repair linings of underground storage tanks.

134.13(1) Qualifications for UST liners references 134.6 but liners are not listed under the proposed 134.6. Since there is not test or training course for this certification we recommend the above addition.

This has been a point of confusion among Chapter 134 users. Adding (d) provides certainty while eliminating confusion for the users of this chapter.

Comment 2

134.10(1)b(3) – strike “UST professional” and add all referenced certifications from the relevant chapters (134 and 135)

We support the inclusion of all certifications referenced in Chapters 134 and 135 to this section of the rule to assist the user of both chapters by providing clarity and minimizing confusion. The term “UST Professional” is unnecessary as it is only used in Chapter 134 in this citation.

Comment 3

We request the following change to 134.10(4)f(5) & (6)

f. Inspection technical requirements. An inspector of a UST system must check for compliance with the technical standards of 567—135 following the department’s guidance. The inspection of a UST system currently in operation shall include, but not be limited to, the following:

- (1) The material currently stored in the UST.
- (2) The type of tank and lines currently at the site as compared to the registered information on the department’s database.
- (3) Checking site records demonstrating operational compliance, 567—135.4(5).
- (4) Checking release detection records, 567—135.5(6).
- (5) Visually checking for releases or other violations by opening covers of dispensers, manways, and containment sumps for submersible pumps and other piping connections for:
 1. Indications of a product release and leaking equipment.

2. ~~Deteriorating product lines or excessive bends in product lines or flex connectors.~~ Damaged or deteriorated product line and underground fuel delivery components.

3. Proper anchoring of ~~breakaways~~ emergency shutoff (shear) valves (dispensers only).

(6) Current operating status of ~~impressed current~~ cathodic protection system, if present.

This change would reflect industry standard. The term “breakaway” can have different applications when referring to the dispenser. We recommend reflecting terminology used in NFPA 30A to eliminate confusion and provide the user of the chapter clarity. The language proposed for damaged and deteriorated product lines make this all inclusive for new designed UST systems without flex connectors and incorporates inspecting the entire underground fuel system.

The current operating status of a cathodic protection system can only be done on an impressed current system by a certified compliance inspector. They are not certified to check the status of a galvanic or sacrificial cathodic protection system. We request the addition to help with clarification during inspections. Checking galvanic or sacrificial cathodic falls under record keeping to ensure the system has been tested in the last 3 years which is covered under (3).

Comment 4

134.11(3)c ---Strike “corrosion protection”

c. Work performed. UST system installation includes all work associated with the placement of the tanks, piping, pumps, dispensers, gauging systems, monitoring systems, ~~corrosion protection~~, containment sumps, spill and overfill devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. Installation specifically includes excavation, equipment placement, backfilling, piping, electrical work, testing calibration, and start-up. Tank installation also includes installation of the appropriate equipment to meet National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (40 CFR §63.6580, Subpart ZZZZ), including submerged fill and vapor balance systems (Stage 1 vapor recovery) and the testing of those systems.

Any work conducted on corrosion protection, specifically cathodic protection, requires a person certified in cathodic protection work. This will require proper certification and, in most cases, a certified cathodic protection engineer. This work is related to cathodic protection tester certification as well as UST Liner certification. This change updates this rule citation by removing inconsistency across the chapter and adding clarification.

Comment 6

134.12(3)b.(4) strike (4) in its entirety

~~(4) A UST tester must have manufacturer training completed to test a specific manufacturer system or component, if manufacturer certification is applicable.~~

We do not support the proposed citation which was added by the department after the first informal stakeholder meeting. This is more stringent than the existing Chapter 134 requirements and adds regulatory burden to not only the certified companies but also the owner/operator.

We recommend striking this sentence from the relevant section to avoid confusion, provide clarity for the chapter user, and avoid inserting requirements into rule which are not required by federal regulation.

Testing of electronic equipment was added after the tester license was already established and it did not include testing of electronic release detection equipment. Testing and installing of this equipment is done by certified service technicians. Service technicians are exempt from Chapter 134 certification requirements per 134.3(3).

134.12(1)a states that current manufacturer certification for equipment being used for testing. This is different than the manufacturer certification to work on the equipment. The specific certification for testers means we must be certified on the equipment we use to perform the testing this is a National requirement per the National Work Group of Leak Detection Evaluations (NWGLDE). The department should only be accepting and receiving certifications from testers for tank tightness test equipment, precision line test equipment, or mechanical line test equipment that is listed on NWGLDE's website.

When testing functionality of electronic release detection equipment there is no specific equipment used. The purpose of the functionality test is to ensure the electronic equipment is working per manufacturer specifications and NWGLDE.

Comment 6

134.12(3)a(3) addition of the following language

(3) An individual does not need to be certified **with the department** to conduct periodic testing of spill prevention equipment, containment sumps, ~~and~~ UDCs, **and annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors** as required by 567—135.4~~(12)~~.

Requiring a certified tester to test these components adds regulatory burden to not only the certified companies trying to service this equipment but also the owner/operator. Logistics for completing service work and sending a certified tester in a timely manner is not feasible.

For this electronic release detection testing there is no certification available for performing the testing, industry follows manufacturer's test procedure or recommended practice (RP1200). In some instance for legacy equipment the only option is recommended practice to test functionality.

This proposed change maintains the intended purpose of this certification as we navigate this rules through the rulemaking process. The addition of this change will provide consistency for the users of this chapter and avoid confusion following adoption.

Comment 7

We propose verbiage to incorporate the definition of liner from Chapter 135 in the description of liner.

134.13(1) *Certification and qualifications.* **An individual who provides services to install UST linings and to repair USTs** ~~person installing the lining for a UST system~~ shall be certified as a liner. In addition to the certification requirements listed under 567—134.6, a liner shall provide documentation of at least two years of relevant experience, provide documentation of manufacturer certification, and have completed a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training.

We believe the inclusion of this change provides clarity to the user of the chapter in an area where confusion existed under the current version of rules.

Commenter 5 Appendix

Commenter 5: Jennifer Carpenter, Seneca Companies

Date Received: 9/23/2025



USTEO10, DNR <usteo10@dnr.iowa.gov>

Chapter 134 Comments

Jennifer Carpenter <jcarpenter@senecaco.com>
To: "USTEO10@dnr.iowa.gov" <USTEO10@dnr.iowa.gov>

Tue, Sep 23, 2025 at 4:27 PM

IDNR –

In response to proposed changes to Chapter 134, Seneca has the following comment:

134.12(3)b.(4)

We do not support the proposed verbiage by the department in 134.12(3)b(4).

~~(4) A UST tester must have manufacturer training completed to test a specific manufacturer system or component, if manufacturer certification is applicable.~~

~~We recommend striking this sentence from the relevant section to avoid confusion, provide clarity for the chapter user, and avoid inserting requirements into rule which are not required by federal regulation.~~

-

We propose to add under 134.12(455B) UST Tester certification requirements, a tester need not be certified to conduct annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors.

Thanks,

Jenny

Jennifer Carpenter

Compliance & Testing Dept. Manager

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Commenter 6 Appendix
Commenter 6: John Maynes, FUELlowa
Date Received: 9/23/2025

Comments on proposed revisions to Chapter 134

Comment 1

134.6(3) – We propose to add the following language

d. Liners are not required to complete a course of instruction but are required to maintain manufacturer certifications or equivalent certification approved by the department to install and repair linings of underground storage tanks.

This has been a point of confusion among Chapter 134 users. Adding (d) provides certainty while eliminating confusion for the users of this chapter.

Comment 2

Citation error in proposed rule **134.10(1)a. 567-135.19** references MTBE. It is believed that the intended rule reference is **567-135.20**.

The intent of this change is to alleviate confusion for users of Chapter 134.

Comment 3

134.10(1)b(3) – strike “UST professional” and add all referenced certifications from the relevant chapters (134 and 135)

We support the inclusion of all certifications referenced in Chapters 134 and 135 to this section of the rule to assist the user of both chapters by providing clarity and minimizing confusion.

Comment 4

We request the terminology in **134.10(3)f(5)** be changed to reflect industry standard. The term “breakaway” can have different applications when referring to the dispenser. We recommend reflecting terminology used in NFPA 30A to eliminate confusion and provide the user of the chapter clarity.

f. Inspection technical requirements. An inspector of a UST system must check for compliance with the technical standards of 567—135 following the department’s guidance. The inspection of a UST system currently in operation shall include, but not be limited to, the following:

(1) The material currently stored in the UST.

(2) The type of tank and lines currently at the site as compared to the registered information on the department’s database.

(3) Checking site records demonstrating operational compliance, 567—135.4(5).

(4) Checking release detection records, 567—135.5(6).

(5) Visually checking for releases or other violations by opening covers of dispensers, manways, and containment sumps for submersible pumps and other piping connections for:

1. Indications of a product release and leaking equipment.

2. ~~Deteriorating product lines or excessive bends in product lines or flex connectors.~~ Damaged or deteriorated product line and underground fuel delivery components.

3. Proper anchoring of [breakaways](#) emergency shutoff (shear) valves (dispensers only).
- (6) Current operating status of [impressed current](#) cathodic protection system, if present.

Comment 5

We request the removal of “corrosion protection” from the UST Installer work performed in **134.11(3)c**. Any work conducted on corrosion protection, specifically cathodic protection, requires a person certified in CP work. This will require proper certification and, in most cases, a certified CP engineer. This work is related to CP tester certification as well as UST Liner certification.

c. Work performed. UST system installation includes all work associated with the placement of the tanks, piping, pumps, dispensers, gauging systems, monitoring systems, [corrosion protection](#), containment sumps, spill and overfill devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. Installation specifically includes excavation, equipment placement, backfilling, piping, electrical work, testing calibration, and start-up. Tank installation also includes installation of the appropriate equipment to meet National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (40 CFR §63.6580, Subpart ZZZZ), including submerged fill and vapor balance systems (Stage 1 vapor recovery) and the testing of those systems.

Comment 6

134.12(3)b(4)

We do not support the proposed verbiage by the department in 134.12(3)b(4) which was added after the first informal stakeholder meeting. We ask for the following to be removed from the proposed rule:

~~(4) A UST tester must have manufacturer training completed to test a specific manufacturer system or component, if manufacturer certification is applicable.~~

We recommend striking this sentence from the relevant section to avoid confusion, provide clarity for the chapter user, and avoid inserting requirements into rule which are not required by federal regulation. We propose to add under 134.12(455B) UST Tester certification requirements, a tester need not be certified to conduct annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors.

Testing of electronic equipment was added after the tester license was already established and it did not include testing of that equipment. Testing and installing of this equipment is done by certified service technicians. Service technicians are exempt from Chapter 134 certification requirements per the definition of service technician in Chapter 135.

Requiring a certified tester to test these components adds burden to not only the petroleum companies trying to service this equipment but also the owner/operator. Logistics for completing service work and sending a certified tester in a timely manner is not feasible.

This change would also be more consistent with other states. For this electronic release detection testing there is no certification available for performing the testing except manufacturer or recommended.

134.12(3)a(3)

(3) An individual does not need to be certified [with the department](#) to conduct periodic testing of spill prevention equipment, containment sumps, ~~and~~ UDCs, and [annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors](#) as required by 567—135.4~~(12)~~.

This proposed change maintains the intended purpose of this certification as we navigate this rule through the rulemaking process. The addition of this change will provide consistency for the users of this chapter, avoid confusion following adoption, and avoid imposing unnecessary costs on owner/operators.

Comment 7

We propose verbiage to incorporate the definition of liner from Chapter 135 in the description of liner.

134.13(1) Certification and qualifications. [An individual who provides services to install UST linings and to repair USTs](#) ~~person installing the lining for a UST system~~ shall be certified as a liner. In addition to the certification requirements listed under 567—134.6, a liner shall provide documentation of at least two years of relevant experience, provide documentation of manufacturer certification, and have completed a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training.

We believe the inclusion of this change provides clarity to the user of the chapter in an area where confusion existed under the current version of rules.

Commenter 7 Appendix
Commenter 7: John Maynes, FUELlowa
Date Received: 1/27/2026



USTEO10, DNR <usteo10@dnr.iowa.gov>

Chapter 135 Comments Attached / Text from 134 for discussion

John Maynes <John@fueliowa.com>

Tue, Jan 27, 2026 at 3:32 PM

To: "USTEO10@dnr.iowa.gov" <usteo10@dnr.iowa.gov>

Cc: Keith Wilken <keith.wilken@dnr.iowa.gov>, Cara Ingle <cingle@unifiedco.com>, "Patrick J. Rounds" <pjr@pmmic.com>

Keith-

I remember a past submission never found its way to your team's inbox. Please confirm receipt on your end. I'm hopeful this will help discussions during tomorrow's meeting. Would you like a similar version for 134 or are you comfortable with the changes proposed and discussed at last week's informal meeting on 134?

134.11(4): Installing a new UST system or upgrading a UST system requires an installer to submit a department forms and testing documents applicable to the installation, signed by the owner, to the department no later than 30 days after the final third party inspection or 30 after completion if no inspection is required. Each certified installer responsible for the new system installation or the upgrading of an existing system shall sign DNR Form 148 as required by 567—paragraph 135.3(3) "e". Secondary containment testing performed at installation or to meet periodic testing requirements shall be recorded on the department's Secondary Containment Testing form unless other approved by the department. Test results shall be dated and signed by the ~~tester certified installer~~ who performed the test.

My note: the goal here is to be clear that secondary containment testing to meet periodic testing requirements do not require sign off by a certified individual.

134.12(3)a(3): An individual does not need to be certified to conduct periodic testing of spill prevention equipment, containment sumps, **UDC, and annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors as required by 567-135.**

-this is the section referenced today where the department believes the definition of tester resolves the issue

John Maynes

President, Government Affairs

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 **135 NOIA- Comments_FUELIowa127.26 (004).docx**
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Commenter 8 Appendix
Commenter 8: John Maynes, FUELlowa
Date Received: 1/29/2026



USTEO10, DNR <usteo10@dnr.iowa.gov>

Chapter 134 Comments

John Maynes <John@fueliowa.com>
To: "USTEO10@dnr.iowa.gov" <usteo10@dnr.iowa.gov>
Cc: "Wilken, Keith" <keith.wilken@dnr.iowa.gov>

Thu, Jan 29, 2026 at 12:57 PM

All,

Thank you for considering the comments today on Chapter 134. The comments attached replace previous comments submitted on the sections referenced in the attachment. Comments are centered on clarifying who may sign off on installation related testing v. sign off related to an owner's periodic testing requirements.

Thank you,

John Maynes

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134.11(4) Documentation of work performed. Installing a new UST system or upgrading a UST system requires an installer to submit department forms and testing documents applicable to the installation, signed by the owner, to the department no later than 30 days after the final third-party inspection or 30 days after completion if no inspection is required. Each certified installer responsible for the new system installation or the upgrading of an existing system shall sign DNR form 148 as required by 567-135.3(3) “e.” Secondary containment testing performed at installation or to meet periodic testing requirements shall be recorded on the department’s Secondary Containment Testing form unless otherwise approved by the department. Test results shall be dated and signed by the certified installer who performed the test: at installation. The signature of a certified installer is not required for documentation of periodic testing requirements.

134.12(3)a(3) An individual does not need to be certified with the department to conduct period testing of spill prevention equipment, containment sumps, ~~and UDC,~~ and annual release detection functionality testing of electronic release detection equipment such as automatic tank gauges, probes, sensors, or electronic line leak detectors. as required by ~~567-135.4(12).~~

134.12(4) Documentation of Work Performed. A copy of the test results shall be attached to DNR Form 148 when testing is done in connection with an installation. The test results shall identify the tanks and piping tested, the test method employed, and the results of the test. Periodic testing shall be recorded on the department’s Secondary Containment Testing form unless otherwise approved by the department. Test results shall be dated and signed by the certified tester who performed the tests at installation. The signature of a certified tester is not required for documentation of periodic testing requirements.

Commenter 9 Appendix

Commenter 9: Patrick Rounds, PMMIC Insurance and R&A Risk
Professionals

Date Received: 1/29/2026

Comments in response to the Notice of Intended Action to rescind Chapter 134, "Underground Storage Tank Licensing and Certification Programs," and to adopt a new Chapter 134, "Underground Storage Tank Certification Programs," Iowa Administrative Code
Submitted by PMMIC Insurance and R&A Risk Professionals
January 29, 2026

PMMIC Insurance is an Iowa licensed P&C insurance company specializing in UST and AST insurance coverage. R&A Risk Professionals is a sister company to PMMIC Insurance and is the Managing General Agent for PMMIC Insurance.

PMMIC insures approximately 60% of all UST systems in the State of Iowa including most of the small owners who own three or fewer facilities. PMMIC Insurance is the successor of the Iowa UST insurance fund. PMMIC, through R&A conducts compliance inspections on every insured facility every year and conducts approximately 70% of all mandated compliance inspections in the state of Iowa. R&A has also provided Class A/B Operator training for most of Iowa's A/B operators and provides training for those professionals applying to be certified installers and inspectors in Iowa and licensed installation professionals in other jurisdictions. PMMIC provides funding for over 50% of all active open LUST sites in Iowa.

Iowa's UST regulatory program is a robust and mature program that has been developed over the past 40 years. Many compromises were made to develop this very successful program. Even seemingly minor changes to the regulatory framework can have significant financial implications for our company and for our clients. We are supportive of the rewritten Chapter 134 rules with the understanding that there is no intended change to the compliance inspection process in place today in these proposed rules, or in the proposed rules in chapter 135.

Respectfully submitted,

Patrick Rounds
President
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