Rulemaking on Underground Storage Tank Regulation Update: Summary of Changes for 567 IAC Chapter 135

8.31.26

DNR CHANGES TO FINAL RULE:

The following are highlights of changes made to the final adopted rule. This higher level overview does not include clerical updates. A full redline/strikeout comparison of the NOIA and the final proposed rule is available on the DNR Land Quality Bureau's Rulemaking webpage.

Substantive Edits

567—135.2

"Light, nonaqueous-phase liquid" or "LNAPL" ~~refers to an organic compound that is immiscible with, and lighter than water~~ means a light non-aqueous phase liquid (e.g., ~~crude~~ petroleum, oil, gasoline, diesel fuel~~, heating oil).~~) that has a density less than water and is immiscible with water.

"Migrate" or "migrating" means a LNAPL body that is expanding laterally into areas previously not impacted by LNAPL.

"Mobile LNAPL" means LNAPL that exists above residual saturation levels such that it can accumulate in monitoring wells constructed within its footprint or smear vertically with a rising or falling water table but will not migrate or spread from its current footprint (i.e., move into monitoring wells beyond its current footprint).

"Residual LNAPL" means LNAPL that is bound in the soil and will not move into monitoring wells or smear with a rising or falling water table.

135.3(1)a(2)3

Impressed current systems are designed to allow determination of current operating status as required in ~~paragraph~~ 135.4(2)*"c."* ~~This shall be accomplished by providing the rectifier with ampere and voltage meters that can be read by the owner and operator for comparison to the design standard set by the corrosion expert or a device that can warn the owner and operator when changes in ampere and voltage occur outside the design standard set by the corrosion expert;~~

135.3(1)a(2)5

~~Impressed current systems must be designed not to cause stray current that can damage other underground structures (metal electrical conduits, water lines, gas lines, etc.); or~~

~~NOTE: The following codes of practice may be used to comply with subparagraph 135.3(1)"a"(2):~~

- ~~Steel Tank Institute "Specification STI-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks";~~
- ~~Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks";~~

- ~~Underwriters Laboratories of Canada S603, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," and S603.1, "Standard for External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids," and S631, "Standard for Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems";~~
- ~~Steel Tank Institute Standard F841, "Standard for Dual Wall Underground Steel Storage Tanks";~~ ~~or~~
- ~~NACE International Standard Practice SP 0285, "External Corrosion Control of Underground Storage Systems by Cathodic Protection," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."~~

135.3(1)f(3)

~~UDC shall be installed beneath the dispenser whenever ten feet or more of piping is repaired or replaced within ten feet of a dispenser.~~

135.3(3)d(5)

Class A~~,~~ and B ~~and C~~ operator certification under 135.4(6);

135.3(3)~~ij~~(1)

The department may provide written authorization to receive a regulated substance when ~~there is a delay in receiving tank tags or at new tank installations to allow for testing the tank system~~ conditions warrant.

135.3(3)~~i~~h

Notice requirement~~s~~ for ~~a person who acquires, sells, installs, modifies or repair~~ acquiring a UST system.

~~(1)~~ A person, company or lending institution that assumes ownership or operation of a regulated underground storage tank must submit notification to the department on a form provided by the department within 30 days of acquisition and prior to tank operation. The owner must include copies of training certificates for the Class A and Class B operators (135.4(6)) and proof of financial responsibility required in 567—Chapter 136. The new owner is responsible for any current ~~and back~~ tank management fees that have not been previously paid.

~~(2) A person who sells, installs, modifies, or repairs a tank used or intended to be used in Iowa shall notify, in writing, the purchaser and the owner or operator of the tank of the obligations specified in paragraphs 135.3(3)"c" and "j" and the financial assurance requirements in 567—Chapter 136. The notification must include the prohibition on depositing a regulated substance into tanks which have not been registered and issued tags by the department, or tanks which do not have financial assurance as required in 567—Chapter 136. A standard notification form supplied by the department may be used to satisfy this requirement.~~

135.3(5)e

~~The owner or operator must return the tank tags upon request of the department for failure to meet the requirements of rules 567—135.3(455B) to 567—135.5(455B) or the financial responsibility rules in 567—Chapter 136 after permanent tank closure or when tanks are temporarily closed for over 12 months, or when the tank system is suspected to be leaking and the responsible party fails to respond as required in subrule 135.8(1). The department will not return the tags until the tank system is in full compliance with the technical requirements of this chapter and financial responsibility requirements of 567—Chapter 136.~~

135.3(~~7~~8)e(1)
Prior to imposing a delivery prohibition response action under ~~paragraph~~ 135.3(~~8~~7)*"b"* above, the department will provide notice to the owner or operator or, if notice to the owner or operator cannot be confirmed, to a person in charge at the UST facility of the basis for the finding and the intent to initiate a delivery prohibition response action. Notice may be by verbal contact, by ~~facsimile~~, electronic mail, or by regular or certified mail to the UST facility address or the owner's or operator's last-known address. The owner and operator will be given a minimum of ~~one~~ three business day~~s~~ to provide documentation that the finding is inaccurate or that reinstatement criteria in ~~subparagraphs~~ 135.3(~~8~~7)*"b"*(1) through *"b"*(5) have been satisfied.

135.3(~~9~~8)b(1)1
Inspections for secondary containment sumps shall consist of visual inspection ~~by an Iowa licensed installer or Iowa certified compliance inspector every two years~~ every year.

135.4(2)e(1)1
Power must be restored to an inoperative corrosion protection system. A damaged or failed corrosion protection system must be repaired by a ~~cathodic protection tester~~ qualified service technician. A corrosion expert must approve any modifications to the system that are outside of the original design.

135.4(2)e(3)4
~~All metal piping and buried metal components (e.g., flex connectors, couplings) that routinely contain product must be inspected by a UST professional or cathodic protection tester. If the metallic components have no visible corrosion and have passed a line tightness test (unless the piping is exempt from leak detection, e.g., Safe or European Suction), then the cathodic protection system may be repaired or replaced under the supervision of a corrosion expert. Metallic components that show visible corrosion must be replaced.~~ If the piping and metallic components do not pass a line tightness test or a cathodic protection test and cannot be repaired in accordance with this chapter, the line must be replaced.

135.4(2)e(3)8
~~A copy of the new design standards must be kept as part of the cathodic protection records.~~

135.4(4)c(2)
~~Any replacement of ten feet or more of piping shall have secondary containment.~~

135.4(4)~~g~~
~~Installation of any new or replacement turbine pumps involving the direct connection to the tank shall have secondary containment.~~

135.4(4)~~i~~
~~Repairs or replacements to a UST system must be conducted by an Iowa-licensed UST professional whose license is issued for that specific work.~~

135.4(6)d
A Class A or Class B operator should be immediately available for telephone consultation with the Class C operator when a facility is in operation. ~~Class A or Class B operators should be able to be on site at the storage tank facility within four hours.~~

135.4(6)f

For unstaffed facilities, a Class B operator must be geographically located such that the person can be on site within two hours of being contacted by the public, the owner or operator of the facility, or the department. ~~Emergency contact information and emergency procedures must be prominently displayed at the site.~~ An unstaffed facility shall have an emergency shutoff device as provided in 135.5(1) ~~and a sign posted in a conspicuous place that includes the name and telephone number of the facility owner, an emergency response telephone number to contact or the Class B operator, and information on local emergency responders~~. An approved emergency procedures sign shall be posted in a conspicuous location and shall read:

IN CASE OF FIRE, SPILL OR RELEASE
1. USE EMERGENCY PUMP SHUTOFF
2. REPORT THE ACCIDENT!

FIRE DEPARTMENT TELEPHONE NO._____
FACILITY ADDRESS & PHONE NUMBER_____

135.5(1)~~ed~~(2)2

~~Signage directing the customer to contact the Class B operator or a designated contact person. The sign must be immediately visible to the customer and state that slow flow or an audible or visual alarm is an indication of a possible release. The sign must provide a 24-hour telephone number of the Class B operator or designee and direct the customer to stop dispensing product.~~ An approved emergency procedures sign shall be posted in a conspicuous location and shall read:

IN CASE OF FIRE, SPILL OR RELEASE
1. USE EMERGENCY PUMP SHUTOFF
2. REPORT THE ACCIDENT!

FIRE DEPARTMENT TELEPHONE NO._____
FACILITY ADDRESS & PHONE NUMBER_____
IN THE EVENT OF AN ALARM OR SLOW FLOW, CONTACT THE FACILITY.

135.7(~~54~~)d(11)

Identification of all water lines, regardless of construction material, within the area of free product. ~~A water line~~Water lines and gaskets which are susceptible to petroleum contamination shall be considered within the area of free product if ~~it is~~ there are located within the boundary of the free product plume as defined by wells unless it can be demonstrated that no LNAPL exists within ten ~~10~~ feet (horizontally or vertically) of the water line and the LNAPL is not migrating nor is likely to migrate. Water lines and gaskets that are susceptible to petroleum contamination within the area of free product must be relocated unless ~~there is no other option and~~ the department has approved an alternate plan of construction~~.~~ or it can be demonstrated that mobile LNAPL is not in contact with water lines or gaskets. See ~~paragraph~~ 135.12(3)"c."

135.7(~~54~~)f

Owners and operators may propose to the department to terminate free product recovery activities when significant amounts of hydrocarbons are not being recovered. The department will consider proposals to terminate free product recovery when the amount of product collected from a monitoring well is equal to or less than 0.1 gallon each month for a year, ~~unless another plan is approved by the department~~ or it is documented that the free product plume has been adequately delineated horizontally and vertically and free product is documented to not be migrating. When free product activities have been terminated based on the recovery rate of equal to or less than 0.1 gallon each month for a year, owners and operators must inspect the monitoring wells monthly for at least a year

unless another schedule is approved by the department. The department must be notified and may require that free product recovery activities be reinitiated if during the monthly well inspections it is determined the product thickness in a monitoring well exceeds 0.02 ft. The monthly well inspection records must be kept available for review by the department.

135.10(9)a(1)
~~Actual receptors include all water lines within ten feet of the soil plume defined to the Tier 1 level.~~ All water lines must be evaluated for this pathway regardless of distance from the source if the lines are in areas where Tier 1 levels are exceeded. Actual receptors include all water lines within ten feet of the soil plume defined to the Tier 1 level, unless it can be demonstrated that the water line inside the soil plume is not in contact with the soil contamination.

135.12(6)c
A groundwater pathway shall be reclassified from high risk to no action required if:

1) All contaminant concentrations are below the site-specific target level and if exit monitoring criteria have been met. Exit monitoring criteria means that the three most recent consecutive groundwater samples from all monitoring wells must show a steady or declining trend and the most recent samples are below the site-specific target level. ~~Other criteria include~~ A steady and declining trend includes the following: the first of the three samples for the source well and transition well must be more than detection limits; concentrations cannot increase more than 20 percent from the first of the three samples to the third sample; concentrations cannot increase more than 20 percent of the previous sample; and samples must be separated by at least six months~~.~~; or

2) There are no actual receptors within the groundwater plume and plume stability has been documented to show that the plume is not migrating to actual receptors.

135.15(1)c(~~5~~)
~~For lined tanks, provide a copy of the last internal inspection.~~

135.15(1)f
Prior to returning a temporarily closed tank back into service, the owner or operator must complete and submit the department's return-to-service form signed by a ~~licensed installer~~ the owner/operator and provide the following documentation unless otherwise approved by the department. The tank system cannot be operated or receive fuel until current tank tags have been issued.

135.15(1)f(~~1~~)
~~Documentation that the tanks were temporarily closed in accordance with subrule 135.15(1).~~

135.15(1)f(~~11~~)
~~Certification from an Iowa-licensed installer that the UST system and equipment are installed correctly, are in good operable condition and meet all regulatory requirements for startup and operation.~~

135.15(2)d
Permanent closure procedures must be followed in the replacement of tanks or piping. Notification must be made using DNR Form 542-1308, "Notification of Tank Closure or Change-in-Service." The form must include the date scheduled for the closure. ~~Oral c~~Confirmation of the closure date must be given to the DNR field office 24 hours prior to the actual closure. The required assessment of the excavation zone under ~~subrule~~ 135.15(3) must be performed after notifying the department but before completion of the permanent closure or change-in-service.

135.15(4)a
If contaminated soils are discovered while assessing a site at closure in accordance with 135.15(3), owners and operators may overexcavate up to one foot of the contaminated soils surrounding the tank pit. The contamination and overexcavation must be reported to the department in accordance with the requirements of 135.6(4)*"a"* prior to backfilling the excavation. If excavation is limited to one foot of contaminated soils, a soil sample shall be taken and laboratory analyzed in accordance with 567—135.16(455B) from the area showing the greatest contamination. Any overexcavation of contaminated soils beyond one foot of contaminated soils is considered expedited corrective action and must be conducted by or under supervision of a certified groundwater professional in accordance with the procedures in 135.12(11).

135.~~20~~19(2)
~~The owner or operator is responsible to ensure the department receives ten days' prior notice by the compliance inspector of the date of a site inspection and the name of the inspector as provided in 567—134.14(455B).~~ The owner and operator must comply with the following as part of the inspection process.

Duplications of Iowa Administrative Code or Iowa Code

135.2
The definition of *"Certified groundwater professional"* was replaced with the definition of *"Groundwater professional"* which was moved from Chapter 134.

The definition of "*Operator*" can now be found in Iowa Code 455B.471.8

The definition of "*Owner*" can now be found in Iowa Code 455B.471.9

The definition of "*Release*" can now be found in Iowa Code 455B.471.14

The definition of *"Underground storage tank"* or *"UST"* can now be found in Iowa Code 455B.471.17

135.3(3)g - was removed as it was a duplication of 455B.473.4

135.3(3)~~j~~ - was partially removed as it was a duplication of 135.3(3)c
~~It is unlawful for a person to deposit or accept a regulated substance in an underground storage tank that has not been registered and issued permanent or annual tank management tags in accordance with rule 567—135.3(455B).~~ It is unlawful for a person to deposit or accept a regulated substance into an underground storage tank if the person has received notice from the department that the underground storage tank is subject to a delivery prohibition or if there is a "red tag" attached to the UST fill pipe or fill pipe cap as provided in 135.3.

135.3(3)~~i~~j(2) - was partially removed as it was a duplication of 135.3(3)j
The department may provide known depositors of regulated substances lists of underground storage tank sites that have been issued tank tags, those that have not been issued tank tags, and those subject to a delivery prohibition pursuant to ~~subrule~~ 135.3(~~8~~7). These lists do not remove the requirement for depositors to verify that current tank tags are affixed to the fill pipe prior to delivering product.

~~Regulated substances cannot be delivered to underground storage tanks without current tank tags or those displaying a delivery prohibition "red tag" as provided in subrule 135.3(8).~~

135.3(3)~~k~~ - was removed as it was a duplication of 135.3(5)b(1)

135.4(11)d –was removed as it was a duplication of 135.4(6)f

135.5(1)~~b~~ - was removed as it was a duplication of 135.6(1)c

135.5(1)~~bc~~ - was partially removed as it was a duplication of 135.3(7)
When an owner and operator continually show the inability to conduct leak detection with the method being used, the department may require the owner and operator to find an alternative leak detection method. ~~If the owner and operator cannot demonstrate compliance with leak detection, delivery prohibition in accordance with subrule 135.3(8) may be enforced.~~

General Cleanup

The following rules previously listed acceptable codes of practice and now refer to specific sections of the Code of Federal Regulations which list the same acceptable codes of practice.

- **135.1(4)b**
- **135.3(1)a(1)**
- **135.3(1)a(3)**
- **135.3(1)b(1)**
- **135.3(1)b(2)4**
- **135.3(1)d**
- **135.3(2)b(3)2**
- **135.3(2)b(3)2**
- **135.3(2)c**
- **135.4(1)a**
- **135.4(2)b(2)**
- **135.4(4)a**
- **135.4(3)c**
- **135.4(4)d(3)**
- **135.4(12)c(2)**
- **135.4(13)c**
- **135.5(1)a(4)5**
- **135.5(4)a(6)**
- **135.15(2)d**

135.1(5) All rules, standards, technical guidance, and other similar legal or technical documents that are referenced in this chapter shall be the version of those documents in effect on May 27, 2026, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—135.2
"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended on October 17, 1986.

~~*"Person"* means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States government.~~

"R~~eplace" or "r~~eplacement" means the installation of a new underground tank system or component~~, including dispensers,~~ in substantially the same location as an existing tank system or component.

~~"SARA" means the federal Superfund Amendments and Reauthorization Act of 1986.~~

567—135.2 - *The following Definitions were moved from Chapter 134 to Chapter 135:*
"Certified company" means a person or company that employs a person who meets all of the qualifications to install, upgrade, repair, test or line underground storage tank systems.

"Certified individual" means an individual who has received a certification to perform any of the activities regulated under this chapter.

"Child support recovery unit" means the child support recovery unit created by Iowa Code section 252B.2.

"Code of Federal Regulation" or *"CFR"* means the federal administrative rules adopted by the United States as amended through August 1, 2025.

"Groundwater professional" is a person who provides subsurface soil contamination and groundwater consulting services, or who contracts to perform or who supervises remediation or corrective action services at leaking underground storage tank sites. Refer to Iowa Code section 455B.474.

"Install" or *"installation"* means the physical construction of a UST system including but not limited to activities such as excavating, backfilling, testing, placement of the tank, underground piping, release detection devices, corrosion protection systems, spill and overfill devices and any associated administrative activities such as notifications, recordkeeping and record submissions.

"Installation inspector" means a certified individual who is engaged in the inspection and approval of the installation of new or upgraded underground storage tank systems.

"Installer" means a certified individual or certified company engaged in the installation of a new underground storage tank system or the upgrading of underground storage tank systems.

"In the aggregate" means for all claims or suits in a single policy year seeking damages.

"Liner" means a certified company or an individual who provides services to install underground storage tank lining and to repair underground storage tanks.

"Modification" means to change a UST system currently in use by the installation of new UST system components. "Modification" includes but is not limited to the addition of corrosion protection to a previously lined tank, installation of new underground piping or replacement of existing underground piping, changing the primary release detection method, or adding secondary containment. "Modification" does not include those activities defined in this rule as "repair" or "replacement."

"Obligor" means a natural person as defined in Iowa Code section 252B.1 who has been ordered by a court or administrative agency to pay support.

"OSHA" means the Occupational Safety and Health Administration.

"Precision test" means a tank and line tightness test that meets the requirements in 567—135.5(455B).

"Removal" means the process of removing and disposing of an underground storage tank system no longer in service or the process of abandoning an underground storage tank system in place in ~~accordance~~ with 567—135.15(455B).

"Remover" means a certified individual who is engaged in permanent closure activities by removal or filling in place of underground storage tank systems in accordance with 567—135.15(455B).

"Self-insured retention" means the portion of a claim paid by insureds who self-insure a portion of their risk as part of a policy. Expenses included as a part of the self-insured retention are the cost of claims settlements or suits, the cost of adjusting, legal fees, court costs and any other investigative cost associated with the claim.

"Service technician" means a noncertified individual who works for a certified individual or a certified company or who is certified by a manufacturer to conduct modification or replacement activities at UST facilities.

"*Tester"* means a certified company or individual who tests tanks, lines, leak detection systems, or monitoring systems as required by 567—Chapter 135. For the purposes of this definition, an owner, operator or an employee of an owner or operator performing leak detection or cathodic protection monitoring, as required by 567—Chapter 135, is not a tester.

"Testing" means the process of utilizing a system to test underground storage tank systems or any part thereof for tightness, leak detection, cathodic protection or monitoring.

"*Underground storage tank compliance inspector"* or *"UST compliance inspector"* means a person who inspects a regulated underground storage tank (UST) to satisfy the requirements of 567—135.19(455B) for compliance with UST technical standards in 567—Chapter 135.

"Unit," in reference to child support, means the child support recovery unit created in Iowa Code section 252B.2.

"U.S. EPA" means the United States Environmental Protection Agency.

This ends the list of definitions moved to Chapter 135.

135.3(2)a(3)

~~Replacement or upgrade of a tank system on a petroleum contaminated site classified as a high or low risk in accordance with rule 567—135.12(455B) shall be a double wall tank or a tank equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures in accordance with paragraph 135.5(4)"g."~~

135.3(3)~~i~~h

Notice requirement~~s~~ for ~~a person who acquires, sells, installs, modifies or repair~~ acquiring a UST system.

~~(1)~~ A person, company or lending institution that assumes ownership or operation of a regulated underground storage tank must submit notification to the department on a form provided by the department within 30 days of acquisition and prior to tank operation. The owner must include copies of training certificates for the Class A and Class B operators (135.4(6)) and proof of financial responsibility required in 567—Chapter 136. The new owner is responsible for any current ~~and back~~ tank management fees that have not been previously paid.

~~(2) A person who sells, installs, modifies, or repairs a tank used or intended to be used in Iowa shall notify, in writing, the purchaser and the owner or operator of the tank of the obligations specified in paragraphs 135.3(3)"c" and "j" and the financial assurance requirements in 567—Chapter 136. The notification must include the prohibition on depositing a regulated substance into tanks which have not been registered and issued tags by the department, or tanks which do not have financial assurance as required in 567—Chapter 136. A standard notification form supplied by the department may be used to satisfy this requirement.~~

135.3(5)b(2)

The owner or operator must submit ~~written~~ proof that the tanks are covered by an approved form of financial responsibility in accordance with 567—Chapter 136.

135.3(6)a

The tank registration fee under ~~paragraph 135.3(3)"g"~~ Iowa Code section 455B.473(4) and 455B.473(5) shall accompany the registration.

135.3(6)b

The storage tank management fee and any late fees under ~~subrule 135.3(5) and paragraph 135.3(3)"k"~~ Iowa Code section 455B.473(8)*"b"* shall be paid for past years in which the tank should have been registered.

135.3(~~7~~8)f

Delivery prohibition procedure. Upon oral or written notice that the delivery prohibition response action has been imposed, the owner or operator and any person in charge of the UST facility shall be notified that they are not authorized to receive any further delivery of regulated substances until conditions for reinstatement of eligibility are satisfied. Owners and operators are required to provide the department with names and contact information for all persons who convey or deposit regulated substances to the USTs. The department will attempt to notify known persons who convey or deposit regulated substances to the USTs that they are not authorized to deliver to the USTs until further notice by the department as provided in ~~paragraph 135.3(3)"j" and subrule~~ Iowa Code section 455B.473(8)*"a"* and in 135.3(5).

135.4(1)e(2)4

A precision tightness test must be conducted ~~on the entire UST system~~ in accordance with 135.5(4)c or 135.5(5)b.

135.4(2)e(3)5
A precision test must be conducted ~~on the entire UST system following repair or replacement of the cathodic protection system~~ in accordance with 135.5(4)c or 135.5(5)b.

135.4(2)e(4)
If the impressed current cathodic protection system has been inoperable for more than 365 days and cannot ~~or will not~~ be brought back into immediate use, the tank system must be permanently closed in accordance with ~~rule 567-~~ 135.15(2).

135.4(5)a(10)
Documentation establishing compatibility ~~and capability~~ as required in Iowa Code section 455G.32, if applicable;

135.4(5)a(11)
Documentation establishing compatibility ~~and capability~~ as required in Iowa Code section 455G.33, if applicable;

135.4(5)b(12)
Documentation establishing compatibility ~~and capability~~ as required in Iowa Code section 455G.32, if applicable;

135.4(5)b(13)
Documentation establishing compatibility ~~and capability~~ as required in Iowa Code section 455G.33, if applicable;

135.6(3)b
A certified groundwater professional must conduct a site check in accordance with the tank closure in place procedures as provided in ~~subrule~~ 135.15(3) or they may conduct a Tier 1 assessment in accordance with 135.9(3). Under either procedure, the certified groundwater professional must follow the policies and procedures applicable to sites where bedrock is encountered before groundwater as provided in 135.8(5) to avoid creating a preferential pathway for soil or groundwater contamination to reach a bedrock aquifer. The certified groundwater professional must measure for the presence of a release where contamination is most likely to be present at the UST site. The certified groundwater professional must follow the policies and procedures applicable to sites where bedrock is encountered before groundwater as provided in 135.8(5) to avoid creating a preferential pathway for soil or groundwater contamination to reach a bedrock aquifer. In selecting sample types, sample locations, and measurement methods, the certified groundwater professional must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

135.6(4)a
Owners and operators of UST systems must contain and immediately clean up a spill, overfill or any aboveground release, and report to the department within 24 hours, or within 6 hours in accordance with 567—Chapter ~~131~~105 if a hazardous condition exists as defined in 567—~~131.1~~105.3(455B) and begin corrective action in accordance with ~~rules~~ 567—135.7(455B) ~~to~~ through 567—135.12(455B) in the ~~following~~ cases~~:~~ identified in 40 CFR 280.53(a)(1) and (2).

~~(1) Spill, overfill or any aboveground release of petroleum that results in a release to the environment that exceeds 25 gallons, causes a sheen on nearby surface water, impacts adjacent property, or contaminates groundwater; and~~

~~(2) Spill, overfill or any aboveground release of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR 302).~~

135.7(~~54~~)b

Use abatement of free product migration as a minimum objective for the design of the free product removal system. Free product recovery systems must be designed to remove free product ~~to the maximum extent practicable~~ in accordance with 135.7(4)a;

135.12(10)b(8)

The certificate shall be in a form ~~which~~ provided by the department that is recordable in accordance with Iowa Code section 558.1 et seq.~~, and substantially in the form as provided in Appendix C.~~

135.15(1)b(4)

Maintain financial responsibility ~~(e.g., insurance~~) in accordance with 567—Chapter 136.~~ If at any time financial responsibility coverage is or will be terminated, a site check for contamination must be completed before coverage is terminated. A site check must use the closure-in-place sampling procedures in paragraphs 135.15(3)"b" and "d" or the Tier 1 site assessment in rule 567—135.9(455B). If the tanks are located in a contaminated area with active monitoring and remediation, the tank owner may request the department waive the site check providing justification.~~

135.15(1)c(4)

The corrosion protection system is being maintained in accordance with ~~subrule~~ 135.4(2).~~ Include documentation that electricity is being maintained to operate the impressed current cathodic protection system if present.~~

135.15(1)c(~~56~~)

~~Provide proof of~~ Maintain financial responsibility (e.g., insurance) according to 567—Chapter 136.

135.15(1)f(~~21~~)

Where applicable, documentation that corrosion protection has been maintained continuously in accordance with ~~subrule~~ 135.4(2). The owner or operator must provide an inspection log of the cathodic protection system and the inspection report of the cathodic protection system completed by an Iowa-~~licensed corrosion~~ certified cathodic protection tester.

135.15(1)f(~~54~~)

Results of precision tightness tests (0.1 gph) conducted on lines in accordance with 567—135.5(455B).~~ This includes piping used for remote fill.~~

135.15(1)f(~~65~~)

~~NOTE: Function tests are not required on confirmed "safe suction" dispensing lines.~~

135.15(1)f(~~8~~)

~~Secondary containment is installed where necessary in accordance with subrule 135.3(9).~~

135.15(1)f(~~9~~)

~~Spill containment, overfill prevention and all containment sumps are in good condition and operating in accordance with subrule 135.4(1). Tightness tests conducted within the last 12 months must be provided for secondary containment of tanks, piping, sumps, under dispenser containment and spill containment.~~

135.15(1)f(~~10~~7)
Provide test results of the periodic testing of spill and overfill prevention equipment and containment sumps used for interstitial monitoring in accordance with 135.4(12) in the last 12 months.

135.15(1)f(~~13~~11)
Change of ownership form (if the UST ~~facility~~ system was sold).

135.15(2)b
To permanently close a tank or piping, owners and operators must empty and clean them by removing all liquids and accumulated sludge. All tanks taken out of service permanently must also be removed from the ground, filled with an inert solid material, or closed in place by a method approved by the department. Piping must be removed from the ground or have the ends plugged with an inert solid material. ~~When permanently closing a tank by filling with inert solid material, the tank may not be filled until a closure report is approved by the department. The tank must be filled within 30 days after department approval. The owner and operator must notify the department within 15 days after filling the tank with inert solid material.~~

135.15(3)b(1)
Sands or highly permeable soils are encountered within 10 feet below the lowest level of the tank excavation ~~which~~ that together with the underlying geology would, in the judgment of the department, pose the reasonable possibility that contamination may have reached groundwaters deeper than 10 feet below the lowest level of the tank excavation. The method of determining highly permeable soil is found in the departmental guidance document~~s~~ entitled "Underground Storage Tank Closure ~~Procedures for Tank and Piping Removal" and "Underground Storage Tank Closure for Filling in Place~~ Guidance."

135.15(3)d
For closing a tank in place by filling with an inert solid material or for a change-in-service, the departmental guidance document entitled "Underground Storage Tank Closure ~~for Filling in Place~~ Guidance" must be followed. The minimum number of soil borings required for sampling depends on the size of the tank and the length of the product piping. Soil samples must be taken within 5 feet of the sides and ends of the tank at a depth of 2 to 4 feet below the base of the tank, but outside the backfill material, at equal intervals around the tank. Soil samples must also be taken at least every 10 feet along the product piping at a depth of 1 to 2 feet beneath the piping fill area below the piping, unless alternate sampling is approved by the department. If sands or other highly permeable soils are encountered, alternative sampling methods may be required.

135.15(3)e
A closure report in a format prescribed by the department must be submitted to the department within 45 days of the tank removal or ~~sampling for a~~ closure in place. Refer to the Underground Storage Tank Closure Guidance for reporting format. The tank tags must be returned with the closure report.

~~**135.18(1)**~~

~~Any owner or operator who had a Tier 2 site cleanup report, Tier 3 report, or corrective action design report approved by the department before August 6, 2008, may elect to submit a Tier 2 site cleanup report using the Appendix B revised model, department-developed software and rules in effect as of August 6, 2008. The owner or operator shall notify the department that the owner or operator wishes to evaluate the leaking underground storage tank site with the Appendix B revised model, software and rules. If the owner or operator so elects, the site shall be assessed, classified, and, if necessary, remediated, in accordance with the rules of the department as of August 6, 2008. If the leaking underground storage tank site is undergoing active remediation, the remediation system shall remain operating until the reevaluation is completed and accepted or as otherwise approved by the department. Once a site has been evaluated using the Appendix B revised model, software and rules in effect as of August 6, 2008, it can no longer be evaluated with the Appendix B-1 old model and software and rules in effect prior to August 6, 2008.~~

~~**135.18(2)**~~

~~The owner or operator shall notify the department that the owner or operator wishes to use the Appendix B revised model and department software and rules in effect as of August 6, 2008, to evaluate the leaking underground storage tank site before submitting the next report, and prior to expiration of the previously established submittal schedule. Once a site has been evaluated using the Appendix B revised model, software and rules in effect as of August 6, 2008, it can no longer be evaluated with the Appendix B-1 old model, software and rules existing just prior to August 6, 2008.~~

~~**135.18(3)**~~

~~The owner or operator will notify the department within 60 days of August 6, 2008, whether the owner or operator is electing to complete a risk-based corrective action assessment using Appendix B revised model, department software and rules effective as of August 6, 2008, or proceeding with the risk-based corrective action assessment using Appendix B-1 old model and department software and rules existing prior to August 6, 2008. Once a site has been evaluated using the Appendix B revised model, software and rules it can no longer be evaluated with the previous Appendix B-1 old model, software and rules.~~

135.~~20~~19(3)a

Take all actions necessary to correct any compliance violations or deficiencies in accordance with this chapter. Corrective action must be taken within ~~the time frame established by rule or, if no time frames are established by rule, within~~ 60 days of receipt of the inspector's report or another reasonable time period approved by the department. The granting of time to remedy a violation does not preclude the department from exercising its discretion to assess penalties for the violation.

135.~~21~~20(1)

The commission adopts by reference the definitions and requirements of 40 CFR 280 Subpart K. ~~Owners and operators must comply with the requirements of this rule for UST systems with field-constructed tanks and airport hydrant systems as follows:~~

~~(1) For UST systems installed on or before June 23, 2021, the requirements are effective according to the following schedule:~~

~~Requirement~~	~~Effective Date~~
~~Upgrading UST systems, general operating requirements, and operator training~~	~~October 13, 2021~~
~~Release detection~~	~~October 13, 2021~~

Release reporting, response, and investigation; closure; financial responsibility and notification (except as provided in paragraph 135.21(1)"b")	June 23, 2021

(2) For UST systems installed after June 23, 2021, the requirements apply at installation.

b. All owners of previously deferred UST systems must submit a registration form provided by the department. Owners and operators of UST systems must demonstrate financial responsibility at the time of submission of the registration form.

c. Except as provided in subrule 135.21(2), owners and operators must comply with the requirements of rules 567—135.1(455B) through 567—135.20(455B) and 567—Chapter 136.

d. In addition to the codes of practice listed in subrule 135.3(1), owners and operators may use military construction criteria, such as Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities, when designing, constructing, and installing airport hydrant systems and UST systems with field-constructed tanks.

135.21(2)

a. Exception to piping secondary containment requirements. Owners and operators may use single-walled piping when installing or replacing piping associated with UST systems with field-constructed tanks greater than 50,000 gallons and piping associated with airport hydrant systems. Piping associated with UST systems with field-constructed tanks less than or equal to 50,000 gallons not part of an airport hydrant system must meet the secondary containment requirement when installed or replaced.

b. Upgrade requirements. Not later than October 13, 2021, airport hydrant systems and UST systems with field-constructed tanks where installation commenced on or before June 23, 2021, must meet the following requirements or be permanently closed pursuant to rule 567—135.15(455B).

(1) Corrosion protection. UST system components in contact with the ground that routinely contain regulated substances must meet one of the following:

1. Except as provided in paragraph 135.21(2)*"a,"* the new UST system performance standards for tanks in paragraph 135.3(1)*"a"* and for piping in paragraph 135.3(1)*"b"*; or

2. Be constructed of metal and cathodically protected according to a code of practice developed by a nationally recognized association or independent testing laboratory, and meet the requirements of paragraphs 135.3(1)*"a"*(2)"3" and "4" for tanks, and subparagraphs 135.3(1)*"a"*(2), (3) and (4) for piping. A tank greater than ten years old without cathodic protection must be assessed to ensure the tank is structurally sound and free of corrosion holes prior to adding cathodic protection. The assessment must be by internal inspection or another method determined by the department to adequately assess the tank for structural soundness and corrosion holes.

NOTE regarding paragraph 135.21(2)*"b"*: The following codes of practice may be used to comply with this paragraph:

- NACE International Standard Practice SP 0285, "External Control of Underground Storage Tank Systems by Cathodic Protection";
- NACE International Standard Practice SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems";
- National Leak Prevention Association Standard 631, Chapter C, "Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection"; or
- American Society for Testing and Materials Standard G158, "Standard Guide for Three Methods of Assessing Buried Steel Tanks."

(2) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all UST systems with field-constructed tanks and airport hydrant systems must comply with new UST system spill and overfill prevention equipment requirements specified in paragraph 135.3(1)*"c."*

c. Walkthrough inspections. In addition to the walkthrough inspection requirements in subrule 135.4(13), owners and operators must inspect the following additional areas for airport hydrant systems at least once every 30 days if confined space entry according to the Occupational Safety and Health Administration (see 29 CFR part 1910) is not required or at least annually if confined space entry is required and keep documentation of the inspection according to paragraph 135.4(13)*"e."*

(1) Hydrant pits: visually check for any damage; remove any liquid or debris; and check for any leaks, and

(2) Hydrant piping vaults: check for any hydrant piping leaks.

d. Release detection. Owners and operators of UST systems with field-constructed tanks and airport hydrant systems must begin meeting the release detection requirements described in this subrule not later than October 13, 2021.

(1) Methods of release detection for field-constructed tanks. Owners and operators of field-constructed tanks with a capacity less than or equal to 50,000 gallons must meet the release detection requirements in rule 567—135.5(455B).

(2) Owners and operators of field-constructed tanks with a capacity greater than 50,000 gallons must meet either the requirements in rule 567—135.5(455B) (except paragraphs 135.5(4)*"e"* and *"f"* must be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

1. Conduct an annual tank tightness test that can detect a 0.5 gallon per hour leak rate;

2. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to 1 gallon per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon-per-hour leak rate performed at least every three years;

3. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to 2 gallons per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon-per-hour leak rate performed at least every two years;

4. Perform vapor monitoring (conducted in accordance with paragraph 135.5(4)*"e"* for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon-per-hour leak rate at least every two years;

5. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through; and

- Perform a tank tightness test that can detect a 0.5 gallon per hour leak rate at least every two years; or
- Perform vapor monitoring or groundwater monitoring (conducted in accordance with paragraph 135.5(4)*"e"* or *"f,"* respectively, for the stored regulated substance) at least every 30 days; or

6. Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subparagraph 135.21(2)*"d"*(2). In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection.

(3) Methods of release detection for piping. Owners and operators of underground piping associated with field-constructed tanks less than or equal to 50,000 gallons must meet the release detection requirements in rule 567—135.5(455B). Owners and operators of underground piping associated with airport hydrant systems and field-constructed tanks greater than 50,000 gallons must

follow either the requirements in rule 567—135.5(455B) (except paragraphs 135.5(4)*"e"* and *"f"* must be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

1. Perform a semiannual or annual line tightness test at or above the piping operating pressure in accordance with the table below.

Maximum Leak Detection Rate Per Test Section Volume

Test Section Volume (Gallons)	**Semiannual Test—Leak Detection Rate Not to Exceed (Gallons Per Hour)**	**Annual Test—Leak Detection Rate Not to Exceed (Gallons Per Hour)**
< 50,000	1.0	0.5
≥ 50,000 to < 75,000	1.5	0.75
≥ 75,000 to < 100,000	2.0	1.0
≥ 100,000	3.0	1.5

Piping segment volumes ≥ 100,000 gallons not capable of meeting the maximum 3.0 gallon per hour leak rate for the semiannual test may be tested at a leak rate up to 6.0 gallons per hour according to the following schedule:

Phase in for Piping Segments ≥ 100,000 Gallons in Volume

First test	Not later than October 13, 2021 (may use up to 6.0 gph leak rate)
Second test	Between October 13, 2021, and October 13, 2024 (may use up to 6.0 gph leak rate)
Third test	Between October 13, 2024, and October 13, 2025 (must use 3.0 gph for leak rate)
Subsequent tests	After October 13, 2025, begin using semiannual or annual line testing according to the Maximum Leak Detection Rate Per Test Section Volume table above

2. Perform vapor monitoring (conducted in accordance with paragraph 135.5(4)*"e"* for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every two years;

3. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25, ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through, and

- Perform a line tightness test (conducted in accordance with paragraph 135.21(2)*"d"*(3)"1" using the leak rates for the semiannual test) at least every two years; or
- Perform vapor monitoring or groundwater monitoring (conducted in accordance with paragraph 135.5(4)*"e"* or *"f,"* respectively, for the stored regulated substance) at least every 30 days; or

4. Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs 135.21(2)*"d"*(3)"1" to "3." In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection.

(4) Record keeping for release detection. Owners and operators must maintain release detection records according to the recordkeeping requirements in subrule 135.5(6).

e. Applicability of closure requirements to previously closed UST systems. When directed by the department, the owner and operator of a UST system with field-constructed tanks or airport hydrant system permanently closed before June 23, 2021, must assess the excavation zone and close the UST

system in accordance with rule 567—135.15(455B) if releases from the UST may, in the judgment of the department, pose a current or potential threat to human health and the environment.

135.21

A request for a waiver to these rules will be reviewed in accordance with law and procedure of Iowa Code chapter 17A and 567--Chapter 13 (adopting by reference 561—Chapter 10).

APPENDIX C

DECLARATION OF RESTRICTIVE COVENANTS
Rescinded IAB 7/19/06, effective 8/23/06

APPENDIX D

IOWA DEPARTMENT OF NATURAL RESOURCES

NO FURTHER ACTION CERTIFICATE

This document certifies that the referenced underground storage tank site has been classified by the Iowa Department of Natural Resources (IDNR) as "no action required" as provided in the 1995 Iowa Code Supplement 455B.474(1)"h"(1). This certificate may be recorded as provided by law.

ISSUED TO: OWNERS/OPERATORS OF TANKS

DATE OF ISSUANCE:

IDNR FILE REFERENCES: LUST # REGISTRATION #

LEGAL DESCRIPTION OF UNDERGROUND STORAGE TANK SITE:

Issuance of this certificate does not preclude the IDNR from requiring further corrective action due to new releases and is based on the information available to date. The department is precluded from requiring additional corrective action solely because governmental action standards are changed. See 1995 Iowa Code Supplement 455B.474(1)"h"(1).

This certificate does not constitute a warranty or a representation of any kind to any person as to the environmental condition, marketability or value of the above referenced property other than that certification required by 1995 Iowa Code Supplement 455B.474(1)"h".