

Wierson, C. Ray

From: Vargas, Rita A.
Sent: Wednesday, December 05, 2007 11:17 AM
To: Wierson, C. Ray
Cc: Board of Supervisors; Brewer, Sue; Huber, Sherlyn
Subject: groundwater hazard resolution-final.pdf
Attachments: groundwater hazard resolution-final.pdf; gws.rv.doc

TO: Ray Wierson, Scott County Administrator
Jim Hancock, Scott County Board of Supervisor Chairman
FR: Rita Vargas, Scott County Recorder
DA: December 5, 2007
RE: Groundwater Hazard Statements

I am submitting this supportive request for passage of the attached resolution so that the Scott County Recorders Office may begin submitting Groundwater Hazard Statement to the Iowa DNR on or about January 1, 2008.

The Iowa Department of Natural Resources, in cooperation with the Iowa County Recorders Association, has developed a new process for submitting Groundwater Hazard Statements to the Department. The statements are submitted to the County Recorder when property is sold. They indicate the presence or absence of a well, underground storage tank, disposal site, or hazardous waste site on a property. Currently, each county mails a paper copy of the Groundwater Hazard Statement to the Department at the end of each month.

Effective July 1, 2007, Iowa County Recorders were able to submit Groundwater Hazard Statements electronically rather than in paper form. The Electronic Services System Coordinating Committee approved the agreement at its meeting on May 9, 2007. Joyce Jensen, President of the Iowa County Recorders Association, has been a partner in making this new process a reality. Participation in the cooperative effort with the Department is voluntary. Counties that wish to continue processing Groundwater Hazard Statements through traditional paper means may do so, but Scott County would like to eliminate the cumbersome chore of having to mail the Groundwater Hazard Statement to the DNR. This process will also make the statements available to the public on the Iowa Land Records (ILR) portal.

Counties that choose to participate in the program will be asked to process Groundwater Hazard Statements by indexing them locally and uploading only the affirmative Ground Water Hazard Statements to the (ILR) portal. An affirmative response on a Groundwater Hazard Statement means that the statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property.

In order to participate in the program Scott County must be a member of the Electronic Services System 28E agreement, and a resolution must be adopted by the Scott County Board of Supervisors.

Thank you for your time and consideration of this request. Rita V

GROUNDWATER HAZARD REPORTING SYSTEM RESOLUTION

Resolution # _____

WHEREAS, _____ County (County) and the Iowa County Recorders Association (Association) have created a county land record information systems in order to provide public access to real estate documents; and

WHEREAS, all Iowa counties are required to process Groundwater Hazard Statements as provided in Iowa Code section 558.69; and

WHEREAS, Iowa Code section 558.69 requires the submission of the Groundwater Hazard Statements to the Iowa Department of Natural Resources (Department); and

WHEREAS, the Department has adopted Iowa Administrative Code chapter 561 IAC 9, which allows the electronic submission of the Groundwater Hazard Statements; and

WHEREAS, the County and the Department desire to utilize the county land record information system as a means to provide for more efficient and timely filing of the Groundwater Hazard Statements;

THEREFORE, BE IT RESOLVED that the County acknowledges that the County is responsible for the processing and filing of Groundwater Hazard Statements as provided in Section 558.69 of the Iowa Code and the chapter 561 IAC 9 of the Iowa Administrative Code. The County requests that in lieu of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department of Natural Resources, a facsimile or image of the printed version of the Groundwater Hazard Statement shall be stored the local county land record indexing and imaging system.

BE IT FURTHER RESOLVED that the County agrees to the following terms and conditions.

- a. A facsimile or image of a printed version of all forms required to be submitted to the Department pursuant to 561 IAC 9 shall be stored within the local county land record indexing and imaging system.
- b. The facsimile or image of the form shall be permanently stored in the local county land record indexing and imaging system.
- c. The image shall be legible and shall comply with the document formatting and imaging standards adopted by the Association.
- d. The county and county recorder shall be members of the Electronic Services System.
- e. The county and county recorder shall maintain compliance with the operating policies, procedures, and standards adopted by Electronic Services System

including but not limited to policies concerning the timely uploading of information to the statewide county land record information system, a.k.a. Iowa Land Records.

f. The county recorder shall index the associated document information and the parties (grantors and grantees) for each Groundwater Hazard Statement. The county recorder is not required to index property or legal description information for Groundwater Hazard Statements.

g. The county and county recorder shall provide 180 days notice prior to reverting to the practice of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department.

An affirmative response on a Groundwater Hazard Statement means that the Groundwater Hazard Statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property. Pursuant to Iowa administrative rule 561 IAC 9.2(3), Groundwater Hazard Statements on which a private burial site is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the Department.

_____ Date: _____

Chairperson, _____ County Board of Supervisors

_____ Date: _____

_____ County Auditor

_____ Date: _____

_____ County Recorder