

CHAPTER 136**DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT PERMITS***S.F. 355*

AN ACT relating to procedures, forms, and fees for permits and conditional permits issued by the department of water, air and waste management.

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

Section 1. Section 455B.105, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. a. Adopt, by rule, procedures and forms necessary to implement the provisions of this chapter relating to permits or conditional permits. The commission may also adopt, by rule, a schedule of fees for permit and conditional permit applications and a schedule of fees which may be periodically assessed for administration of permits and conditional permits. In determining the fee schedules, the commission shall consider:

(1) The state's reasonable cost of reviewing applications, issuing permits and conditional permits, and checking compliance with the terms of the permits.

(2) The relative benefits to the applicant and to the public of permit and conditional permit review, issuance, and monitoring compliance.

It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not impose unreasonable costs on any municipality.

(3) The typical costs of the particular types of projects or activities for which permits or conditional permits are required, provided that in no circumstances shall fees be in excess of the actual costs to the department.

b. The fees collected by the department under this subsection shall be remitted to the treasurer of state and credited to the general fund of the state.

Sec. 2. Section 455B.173, subsection 5, Code 1983, is amended by striking the subsection.

Sec. 3. Section 455B.278, subsection 1, Code 1983, is amended to read as follows:

1. The commission shall adopt, modify, or repeal rules establishing procedures by which permits required under this part shall be issued, suspended, revoked, modified, or denied. The procedures shall include provisions for application, ~~an application fee sufficient to pay the administrative costs of the permit process,~~ public notice and opportunity for public hearing, and contested cases.

Sec. 4. Section 455B.305, Code 1983, is amended to read as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR. The executive director shall certify if ~~disposal projects operated or planned to be operated by or for cities, counties and those operated by private agencies meet the standards provided for by this part 1 of division IV and the rules of the commission, by issuing a permit for existing disposal projects which fully comply, and for planned sanitary disposal projects whose plans fully comply, with all provisions of said part and rules issued pursuant thereto. Permits shall be issued for existing disposal sites which have not met all the provisions of said part and rules issued pursuant thereto, if a comprehensive plan for compliance within the time limitations required by said~~

part is developed by a city, county or private agency and is approved by the executive director. Every city or county of this state and every private agency involved in the final disposal of solid waste shall qualify for a permit by the first of July 1975 or be subject to such legal actions authorized by section 455B.307 issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects.

Permits A permit shall be issued without fee by the executive director or at his or her the executive director's direction, by a local board of health, for each sanitary disposal project operated in this state. Such permits The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating such the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of the provisions of part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

Sec. 5. Section 455B.334, Code 1983, is amended to read as follows:

455B.334 WASTE DISPOSAL SITE. The commission may approve or prohibit the establishment and operation of a nuclear waste disposal site in this state by a private person. In determining whether to grant or deny a license permit to establish and operate a nuclear waste disposal site, the commission shall consider the need for a nuclear waste disposal site and the existing physical conditions, topography, soils and geology, climate, transportation, and land use at the proposed site. If the commission decides to issue a license permit to establish and operate a nuclear waste disposal site, it shall establish, by rule, standards and procedures for the safe operation and maintenance of the proposed site. The commission shall also require the licensee permittee to provide a sufficient surety bond or other financial commitment to insure the perpetual maintenance and monitoring of the nuclear waste disposal site.

Sec. 6. Section 455B.335, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Shall enforce any rules adopted under the provisions of this part 2 of division IV and furnish a copy of such the rules to each applicant for any license a permit required under said this part.

2. May license issue a permit to any person transporting, handling, or storing any radioactive material under rules adopted by the commission.

Sec. 7. Section 455B.415, subsection 1, Code 1983, is amended to read as follows:

1. Except as provided in subsections 2 and 4, a person shall not construct or operate a facility for the treatment, storage or disposal of a hazardous waste listed under section 455B.412, subsection 2 unless the owner or operator has obtained a permit for the facility from the executive director.

Sec. 8. Section 455B.148, Code 1983, is repealed.

Approved May 24, 1983