

**CHAPTER 202**  
**DISPOSAL OF HAZARDOUS WASTE**  
*S.F. 463*

**AN ACT** relating to the disposal of hazardous wastes, providing for a civil penalty, and providing for an effective date.

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

Section 1. Section 455B.422, Code 1985, is amended to read as follows:  
455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment or disposal facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment or disposal facility. The executive council may purchase or may condemn the land subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person ~~except~~ including the state or a state agency. This section ~~does not authorize~~ authorizes the state to own or operate a hazardous waste treatment or disposal facility for the treatment and disposal of hazardous wastes ~~other than those generated by the state~~. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law.

Sec. 2. NEW SECTION. 455B.461 DEFINITIONS.

As used in this part 7 of division IV, unless the context otherwise requires:

1. "Hazardous waste" means hazardous waste as defined in section 455B.411, subsection 3, and section 455B.464.

2. "Land disposal" means either of the following:

a. Disposal of hazardous wastes on or into the land, including, but not limited to, landfill, surface impoundment, waste piles, land spreading, and coburial with municipal garbage.

b. Treatment of hazardous wastes on or in the land, such as neutralization and evaporation ponds and land farming, where the treatment residues are hazardous wastes and are not removed for subsequent processing or disposal within one year.

"Land disposal" does not include long-term storage as defined in subsection 3.

3. "Long-term storage" means the above-ground containment of stabilized or solidified hazardous waste on a temporary basis or for a period of years in a manner that does not constitute disposal of hazardous waste.

4. "Storage" means the containment of a hazardous waste for a period less than one year in a manner consistent with the requirements of 42 U.S.C. § 6921-6934 as amended to January 1, 1981 and the regulations adopted pursuant to those sections.

5. "Facility" means facility as defined in section 455B.442, subsection 1.

6. "Restricted waste" means a hazardous waste or any other waste which is determined by rule of the commission to be a significant environmental burden if disposed of at a land disposal facility.

Sec. 3. NEW SECTION. 455B.462 ELIMINATION OF LAND DISPOSAL OF HAZARDOUS WASTE.

1. A generator, recycler, transporter or other handler of hazardous waste shall not dispose of the wastes by land disposal or store wastes at an above-ground storage facility, unless all of the following conditions exist:

a. The commission determines that the best available technology is being used at the land disposal facility.

b. The handler proves to the satisfaction of the commission that there is no available alternative including above ground storage for the disposal of hazardous waste.

c. The handler utilizes methods of source reduction, recycling and destruction of hazardous waste to the extent feasible, as determined by rule.

d. The handler pretreats the hazardous waste as determined by rule.

2. The commission shall adopt rules including, but not limited to, the following:

a. To determine the criteria that industry must satisfy to show that alternatives to land disposal of hazardous wastes are not technically or economically feasible.

b. To require that all industrial and commercial owners or users of land disposal and storage sites report to the department annually the amount and content of current hazardous waste production, treatment methods used and technological advances made or pursued to implement alternatives to land disposal and source reduction.

Sec. 4. NEW SECTION. 455B.463 DILUTION OF HAZARDOUS WASTE.

Any hazardous waste shall be considered a restricted waste for the purposes of this part even though it is diluted to a concentration less than the listed concentration threshold by the addition of other hazardous waste or any other material during waste handling treatment or storage. Dilution which occurs as a normal part of the manufacturing process shall not be considered dilution for purposes of this section.

Sec. 5. NEW SECTION. 455B.464 ADDITIONAL HAZARDOUS OR RESTRICTED WASTE LISTED.

Notwithstanding the restriction in section 455B.420, the executive director shall compile, annually, a list of additional hazardous wastes for adoption by the commission pursuant to the rulemaking procedures of chapter 17A. The list shall include wastes which may be a significant environmental burden if disposed of at a land disposal facility.

Sec. 6. NEW SECTION. 455B.465 WELL INJECTION PROHIBITED.

It is unlawful for a person to inject hazardous or restricted wastes into a well.

Sec. 7. NEW SECTION. 455B.466 CIVIL PENALTIES.

A person who violates a provision of this part is subject to a civil penalty of not more than ten thousand dollars for each violation and for each day of continuing violation. Civil penalties collected pursuant to this section shall be forwarded by the clerk of the district court to the treasurer of state for deposit in the general fund of the state.

Sec. 8. NEW SECTION. 455B.467 EMERGENCY VARIANCE.

The department may grant a variance to the restrictions or prohibition of land disposal of a hazardous waste in either of the following situations:

1. When the materials sought to be disposed of resulted from the cleanup of a hazardous condition involving a hazardous waste.
2. When the materials sought to be disposed of resulted from remediation or cleanup of abandoned or uncontrolled hazardous waste sites.

Sec. 9. NEW SECTION. 455B.468 COORDINATION WITH EXISTING REPORTING AND PERMITTING REQUIREMENTS.

This part does not require the department to establish a reporting or permitting system if such a system is already established under the federal Resource Conservation and Recovery Act 42 U.S.C. §6901 et seq. and administered and enforced through the federal environmental protection agency that achieves the objectives set out in this part. Consistent with this part, the department may establish requirements in addition to those established under the Resource Conservation Recovery Act for reporting, permitting, and enforcement. However, in such actions, the department shall avoid any redundancy in reporting, compliance, and enforcement with that provided under the Resource Conservation and Recovery Act.

Notwithstanding section 455B.420, the rules and requirements imposed under this part may be more restrictive than required by federal law or regulation.

Sec. 10. PLAN FOR HAZARDOUS WASTE STORAGE FACILITY. The department of water, air and waste management shall submit a plan for the siting and construction of an above-ground facility for the long-term storage of hazardous wastes. The plan shall include, but is not limited to, all of the following:

- a. The capital needs and annual operating costs of the facility.
- b. The costs to private persons if the costs of establishing and operating the facility are paid by user fees and hazardous waste taxes.
- c. Provisions that anticipate and provide for compatibility with a possible future expansion to include other methods of disposal on the site.

The plan shall be submitted to the governor and the general assembly by January 1, 1987.

Sec. 11. Sections 3, 4, and 8 of this Act are effective on July 1, 1986.

Approved May 28, 1985