CHAPTER 9

WASTE MANAGEMENT AND ENVIRONMENTAL REMEDIATION

S.F. 299

AN ACT relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

Section 1. Section 29C.8A, subsection 1, Code 2011, is amended to read as follows:

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, ~~455B.417, 455B.454, 455B.466,~~ and 455B.477 shall be deposited in the waste volume reduction and recycling fund created in section 455D.15. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.

Sec. 2. Section 455B.104, subsection 1, Code 2011, is amended to read as follows:

1. The department shall either approve or deny a permit to a person applying for a permit under this chapter within six months from the date that the department receives a completed application for the permit. An application which is not approved or denied within the six-month period shall be approved by default. The department shall issue a permit to the applicant within ten days following the date of default approval. However, this subsection shall not apply to applications for permits which are issued under division II or division IV, parts 2 through ~~7~~ 5.

Sec. 3. Section 455B.411, subsections 5 through 11, Code 2011, are amended by striking the subsections.

Sec. 4. Section 455B.426, subsection 2, Code 2011, is amended to read as follows:

2. The director shall investigate all known or suspected hazardous waste or hazardous substance disposal sites and determine whether each site should be included in the registry. In the evaluation of known or suspected hazardous waste or hazardous substance disposal sites, the director may enter private property and perform tests and analyses ~~in the manner provided in section 455B.416~~.

Sec. 5. Section 455B.426, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Beginning July 1, 2011, a new site shall not be placed on the registry of confirmed hazardous waste or hazardous substance disposal sites.

NEW SUBSECTION. 4. A site placed on the registry of confirmed hazardous waste or hazardous substance disposal sites prior to July 1, 2011, shall be removed upon the execution of a uniform environmental covenant pursuant to the provisions of chapter 455I relating to the contaminated portions of the property listed on the registry. A site may also be removed from the registry pursuant to section 455B.427, subsection 4.

NEW SUBSECTION. 5. If no sites remain listed on the registry of confirmed hazardous waste or hazardous substance disposal sites, the department shall recommend to the general assembly the repeal of this section and sections 455B.427 through 455B.432.

Sec. 6. Section 455D.15, subsection 3, paragraph a, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 455H.102, Code 2011, is amended to read as follows:

455H.102 Scope.

The environmental remediation standards established under this chapter shall be

used for any response action or other site assessment or remediation that is conducted at a site enrolled pursuant to this chapter notwithstanding provisions regarding water quality in chapter 455B, division III; hazardous conditions in chapter 455B, division IV, part 4; hazardous waste and substance management in chapter 455B, division IV, part 5; underground storage tanks, other than petroleum underground storage tanks, in chapter 455B, division IV, part 8; ~~contaminated sites in chapter 455B, division VIII;~~ and groundwater protection in chapter 455E.

Sec. 8. Section 558.69, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. That no known hazardous waste as defined in section 455B.411, subsection 3~~, or listed by the department pursuant to section 455B.412, subsection 1,~~ exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources.

Sec. 9. Section 716B.1, subsections 5 and 6, Code 2011, are amended to read as follows:

5. *"Storage"* or *"store"* means ~~storage as defined in section 455B.411, subsection 9~~ the containment of a hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste.

6. *"Treatment"* or *"treat"* means ~~treatment as defined in section 455B.411, subsection 10~~ a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous waste so as to neutralize the waste or to render the waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce the waste in volume. *"Treatment"* includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render the waste nonhazardous.

Sec. 10. REPEAL. Sections 455B.116, 455B.241, 455B.242, 455B.243, 455B.244, 455B.245, 455B.246, 455B.312, 455B.316, 455B.412, 455B.413, 455B.414, 455B.415, 455B.416, 455B.417, 455B.418, 455B.419, 455B.420, 455B.421, 455B.441, 455B.442, 455B.443, 455B.444, 455B.445, 455B.446, 455B.447, 455B.448, 455B.449, 455B.450, 455B.451, 455B.452, 455B.453, 455B.454, 455B.455, 455B.461, 455B.462, 455B.463, 455B.465, 455B.466, 455B.467, 455B.468, 455B.504, 455B.601, and 455B.602, Code 2011, are repealed.

Sec. 11. REPEAL. Section 455D.8, Code 2011, is repealed.

Approved March 30, 2011