

Energy 2/5

SENATE FILE 2228

Energy  
Kudart, Chair  
Yenger  
Rodgers

SENATE FILE 2228

BY ANDERSON

FILED MAR 4 1982

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to hazardous waste, providing for technical  
2 assistance to cities and counties, compensation to  
3 cities or counties in which a facility is located, and  
4 victim relief.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2228

S-5216

1 Amend Senate File 2228 as follows:

2 1. Page 1, by striking lines 29 and 30, and  
3 inserting in lieu thereof the words "from the  
4 application fees, subject to the one thousand dollar  
5 limit, shall be set in an amount which, with the land  
6 burial surcharge tax, is sufficient to cover the costs  
7 of".

S-5216 FILED  
MARCH 9, 1982

BY TED ANDERSON

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1 Section 1. Section 455B.131, Code 1981, is amended by  
2 adding the following new subsections:

3 NEW SUBSECTION. Adopt rules ensuring delivery of technical  
4 information and assistance by trained technical specialists  
5 from appropriate state agencies to counties, cities, and com-  
6 munity organizations that have a direct and relevant interest  
7 in the siting, disposal, and treatment of hazardous waste.

8 NEW SUBSECTION. Develop a comprehensive plan providing  
9 for early diagnostic testing of toxic chemical victims in  
10 the case of a hazardous waste disposal. The plan shall include  
11 an estimate of the costs of the diagnostic tests.

12 Sec. 2. Chapter 455B, division IV, part 5, Code 1981,  
13 is amended by adding the following new section:

14 NEW SECTION. A person whose acts or omissions result in  
15 a disposal of hazardous waste is strictly liable for personal  
16 injury, death, or property damage caused or significantly  
17 contributed to by that hazardous waste. For damages based  
18 upon personal injury the cause of action does not accrue un-  
19 til discovery of the illness or injury.

20 Sec. 3. Acts of the Sixty-ninth General Assembly, 1981  
21 Session, chapter 152, is amended by adding the following new  
22 sections:

23 NEW SECTION. PAYMENT TO CITY OR COUNTY. A person who  
24 is granted a site license under this chapter shall pay a sum  
25 equal to one percent of the facility's gross receipts to the  
26 city in which the facility is located, or if outside the city,  
27 to the county in which the facility is located.

28 NEW SECTION. AMOUNTS OF FEES AND TAXES. Moneys derived  
29 from the application fees and the land burial surcharge tax  
30 shall be set in an amount sufficient to cover the costs of  
31 the following:

32 1. Supporting the program and providing for regular  
33 inspection of facilities.

34 2. Providing for the long-term monitoring and maintenance  
35 of facilities.

1 3. Providing for emergency responses and diagnostic testing  
2 for toxic chemical victims.

3 EXPLANATION

4 This bill provides for the deliverance of technical informa-  
5 tion and assistance on hazardous waste issues to affected  
6 cities and counties, and requires a facility that is granted  
7 a site license to pay a sum equal to one percent of the fa-  
8 cility's gross receipts to the city or county in which the  
9 facility is located. The bill also requires the department  
10 of environmental quality to develop a plan providing for early  
11 diagnostic treatment for chemical victims, allows victims  
12 to establish liability if they suffered an injury that was  
13 caused or significantly contributed to by a hazardous disposal  
14 of waste, and provides that the cause of action does not  
15 accrue until the injury has been discovered by the person.  
16 The bill also provides for the application fees and land  
17 burial tax to be set in an amount sufficient to cover the  
18 costs of the hazardous waste program, long-term monitoring  
19 and maintenance of facilities, and emergency responses, in-  
20 cluding diagnostic treatment for victims. The bill is  
21 effective July 1 following its enactment.

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