

Revised 4/10/85

SENATE FILE 463

BY COMMITTEE ON ENERGY AND ENVIRONMENT

Formerly 317 A approved 3-15-85 (807)

FILED MAR 15 1985

Passed Senate, Date 4-2-85 (p. 1183) Passed House, Date _____

Vote: Ayes 29 Nays 17 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider (p. 1184) w/d 4/9

A BILL FOR

1 An Act relating to the disposal of hazardous wastes, providing
2 for a civil penalty, and providing for an effective date.

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

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47 463

1 Section 1. NEW SECTION. 455B.461 DEFINITIONS.

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

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

6 2. "Land disposal" means any of the following:

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

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

15 c. Storage of hazardous wastes on or in the land, such as
16 waste piles and surface impoundments, other than
17 neutralization and evaporation ponds, for longer than one
18 year.

19 3. "Storage" means storage as defined in section 455B.411,
20 subsection 8.

21 4. "Facility" means facility as defined in section
22 455B.442, subsection 1.

23 5. "Restricted waste" means a hazardous waste or any other
24 waste which is determined by rule of the commission to be a
25 significant environmental burden if disposed of at a land dis-
26 posal facility.

27 Sec. 2. NEW SECTION. 455B.462 ELIMINATION OF LAND
28 DISPOSAL OF HAZARDOUS WASTE.

29 1. A generator, recycler, transporter or other handler of
30 hazardous waste shall not dispose of the wastes by land dis-
31 posal, unless all of the following conditions exist:

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

34 b. The handler proves to the satisfaction of the
35 commission that there is no available alternative including

1 above ground storage for the disposal of hazardous waste.

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

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

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

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

16 Sec. 3. NEW SECTION. 455B.463 DILUTION OF HAZARDOUS
17 WASTE.

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

25 Sec. 4. NEW SECTION. 455B.464 ADDITIONAL HAZARDOUS OR
26 NONHAZARDOUS WASTE LISTED.

27 Notwithstanding the restriction in section 455B.420, the
28 executive director shall compile, annually, a list of
29 additional hazardous wastes for adoption by the commission.
30 The list shall include wastes which may be a significant
31 environmental burden if disposed of at a land disposal
32 facility.

33 Sec. 5. NEW SECTION. 455B.465 WELL INJECTION PROHIBITED.

34 It is unlawful for a person to inject wastes into a well.

35 Sec. 6. NEW SECTION. 455B.466 CIVIL PENALTIES.

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

7 Sec. 7. NEW SECTION. 455B.467 EMERGENCY VARIANCE.

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

11 1. When the materials sought to be disposed of resulted
12 from the cleanup of a hazardous condition involving a
13 hazardous waste.

14 2. When the hazardous condition results in the creation of
15 the hazardous waste.

16 Sec. 8. PLAN FOR HAZARDOUS WASTE STORAGE FACILITY. The
17 department of water, air and waste management shall submit a
18 plan for the siting and construction of a land disposal fa-
19 cility for the above-ground storage of hazardous wastes. The
20 plan shall include capital needs and annual operating costs of
21 the facility. The plan shall also show the costs to private
22 persons if the costs of establishing and operating the
23 facility are paid by user fees and hazardous waste taxes. The
24 plan shall be submitted to the governor and the general
25 assembly by January 1, 1987.

26 Sec. 9. Sections 2, 4, and 7 of this Act are effective on
27 July 1, 1986.

28 EXPLANATION

29 This bill provides that land disposal of hazardous wastes
30 shall be restricted and shall be permitted in only specially
31 limited situations. The bill establishes criteria regarding
32 the possible establishment of a hazardous waste disposal site
33 operated by the state. By January 1, 1987, the department of
34 water, air and waste management is to submit a plan for the
35 siting and construction of a land disposal facility for the

1 above-ground storage of hazardous wastes. The plan is to in-
2 clude capital needs and annual operating costs of the
3 facility, including user fees and waste taxes necessary to
4 fund the entire plan. Sections 2, 4, and 7 of the bill take
5 effect on July 1, 1986.

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1 Amend Senate File 463 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 455B.422, Code 1985, is
5 amended to read as follows:

6 455B.422 ACQUISITION AND LEASE OF SITES.

7 The commission shall adopt rules establishing
8 criteria for the identification of land areas or sites
9 which are suitable for the operation of a treatment or
10 disposal facility. Upon request, the department shall
11 assist the executive council in locating suitable
12 sites for the location of a treatment or disposal
13 facility. The commission may recommend to the
14 executive council the purchase or condemnation of land
15 to be leased for the operation of a treatment or
16 disposal facility. The executive council may purchase
17 or may condemn the land subject to chapter 471.
18 Consideration for a contract for purchase of land
19 shall not be in excess of funds appropriated by the
20 general assembly for that purpose. The executive
21 council upon recommendation of the commission may
22 lease land purchased under this section to any person
23 except including the state or a state agency. This
24 section ~~does-not-authorize~~ authorizes the state to own
25 or operate a hazardous waste treatment or disposal
26 facility for the treatment and disposal of hazardous
27 wastes ~~other-than-those-generated-by-the-state~~. The
28 terms of the lease shall establish responsibility for
29 long-term monitoring and maintenance of the site. The
30 lessee is subject to all applicable requirements of
31 this part including permit requirements. The
32 commission may require the lessee to post bond
33 conditioned upon performance of conditions of the
34 lease relating to long-term monitoring and
35 maintenance. The leasehold interest including
36 improvements made to the property shall be listed,
37 assessed and valued as any other real property as
38 provided by law.

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

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

42 1. "Hazardous waste" means hazardous waste as
43 defined in section 455B.411, subsection 3, and section
44 455B.464.

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

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

50 b. Treatment of hazardous wastes on or in the

S-3574 page 2

1 land, such as neutralization and evaporation ponds and
2 land farming, where the treatment residues are
3 hazardous wastes and are not removed for subsequent
4 processing or disposal within one year.

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

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

12 4. "Storage" means the containment of a hazardous
13 waste for a period less than one year in a manner
14 consistent with the requirements of 42 U.S.C. §6921-
15 6934 as amended to January 1, 1981 and the regulations
16 adopted pursuant to those sections.

17 5. "Facility" means facility as defined in section
18 455B.442, subsection 1.

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

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

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

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

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

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

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

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

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

48 b. To require that all industrial and commercial
49 owners or users of land disposal and storage sites
50 report to the department annually the amount and

1 content of current hazardous waste production,
2 treatment methods used and technological advances made
3 or pursued to implement alternatives to land disposal
4 and source reduction.

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

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

16 Sec. 5. NEW SECTION. 455B.464 ADDITIONAL
17 HAZARDOUS OR NONHAZARDOUS WASTE LISTED.

18 Notwithstanding the restriction in section
19 455B.420, the executive director shall compile,
20 annually, a list of additional hazardous wastes for
21 adoption by the commission. The list shall include
22 wastes which may be a significant environmental burden
23 if disposed of at a land disposal facility.

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

26 It is unlawful for a person to inject wastes into a
27 well.

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

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

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

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

41 1. When the materials sought to be disposed of
42 resulted from the cleanup of a hazardous condition
43 involving a hazardous waste.

44 2. When the materials sought to be disposed of
45 resulted from remediation or cleanup of abandoned or
46 uncontrolled hazardous waste sites.

47 Sec. 9. NEW SECTION. 455D.468 COORDINATION WITH
48 EXISTING REPORTING AND PERMITTING REQUIREMENTS.

49 This part does not require the department to
50 establish a reporting or permitting system if such a

1 system is already established under the federal
2 Resource Conservation and Recovery Act 42 U.S.C. §6901
3 et. seq. and administered and enforced through the
4 federal environmental protection agency that achieves
5 the objectives set out in this part. Consistent with
6 this part, the department may establish requirements
7 in addition to those established under the Resource
8 Conservation Recovery Act for reporting, permitting,
9 and enforcement. However, in such actions, the
10 department shall avoid any redundancy in reporting,
11 compliance, and enforcement with that provided under
12 the Resource Conservation and Recovery Act.

13 Notwithstanding section 455.420, the rules and
14 requirements imposed under this part may be more
15 restrictive than required by federal law or
16 regulation.

17 Sec. 10. PLAN FOR HAZARDOUS WASTE STORAGE
18 FACILITY. The department of water, air and waste
19 management shall submit a plan for the siting and
20 construction of an above-ground facility for the long-
21 term storage of hazardous wastes. The plan shall
22 include capital needs and annual operating costs of
23 the facility. The plan shall also show the costs to
24 private persons if the costs of establishing and
25 operating the facility are paid by user fees and
26 hazardous waste taxes. The plan shall be submitted to
27 the governor and the general assembly by January 1,
28 1987.

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

SENATE 8
APRIL 3, 1985

S-3600 page 5

- 1 Sec. 9. Sections 455B.413 through 455B.422, Code
- 2 1985, are repealed."
- 3 2. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act repealing the
- 5 authority of the department of water, air and waste
- 6 management to regulate the generation, storage
- 7 treatment and disposal of hazardous waste in Iowa."

S-3600 Filed April 2, 1985

By HULTMAN

Revised not germane 4/2 (j. 1179)

S-3598

SENATE FILE 463

- 1 Amend Senate amendment S-3574 to Senate File 463 as
- 2 follows:
- 3 1. Page 4, line 21, by inserting after the word
- 4 "wastes." the following: "The facility shall be
- 5 located within the city limits of Des Moines."

S-3598 Filed April 2, 1985

By RIFE

4/2 4/2 (j. 1178)

1 Amend Senate amendment S-3574 to Senate File 463 as
2 follows:

3 1. By striking page 1, line 43 through page 2,
4 line 16 and inserting the following: "defined in
5 section 455B.411, subsection 3."

6 2. Page 2, by striking lines 19 through 22.

7 3. Page 2, line 23, by striking the words
8 "ELIMINATION OF".

9 4. By striking page 2, line 25 through page 3,
10 line 23 and inserting the following:

11 "The commission may adopt rules restricting the
12 types of hazardous waste based upon their extreme
13 persistence, mobility, or toxicity which may be
14 disposed of by land disposal. The rules shall provide
15 for the pretreatment of hazardous waste before land
16 burial, unless the commission and the petitioner
17 demonstrates that there will be no migration of
18 hazardous constituents from the disposal unit and the
19 specific waste will not harm the public health or
20 environment. Notwithstanding section 455B.420 the
21 rules may be more restrictive than required by federal
22 law or regulation."

23 5. By striking page 3, line 28 through page 4,
24 line 16.

25 6. Page 4, by striking lines 17 through 28 and
26 inserting the following:

27 "Sec. ____ . NEW SECTION. PLAN FOR HAZARDOUS WASTE
28 FACILITIES.

29 The department of water, air and waste management
30 shall submit a plan for the feasibility of hazardous
31 waste facilities. The plan shall include public or
32 private development of collection, above-ground
33 storage, treatment, recycling, incineration or
34 disposal facilities. The plan shall include, but is
35 not limited to, the capital needs and annual operating
36 costs for each type of facility, the needed incentives
37 to implement the proper management of a public or
38 private hazardous waste facility, and the costs to
39 business and industry if the cost of establishing and
40 operating the facility are paid by user fees or a
41 hazardous waste tax. The plan shall be submitted to
42 the governor and general assembly by February 15,
43 1986."

44 7. Page 4, by striking lines 29 and 30 and
45 inserting the following:

46 "Sec. ____ . This Act, being deemed of immediate
47 importance, takes effect from and after its
48 publication in The Red Oak Express, a newspaper
49 published in Red Oak, Iowa, and in The Fairfield
50 Ledger, a newspaper published in Fairfield, Iowa."

Page 2

1 8. Renumber as necessary.

1 Amend Senate File 463 as follows:

2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:

4 "Section 1. Section 455B.411, Code 1985, is
5 amended to read as follows:

6 455B.411 DEFINITIONS.

7 As used in this part 5, unless the context
8 otherwise requires:

9 1. "Abandoned or uncontrolled hazardous waste
10 disposal site" means real property which has been used
11 for the disposal of hazardous waste either illegally
12 or prior to ~~regulation-under-this-chapter~~ November 19,
13 1980.

14 2. "Disposal" means the discharge, deposit,
15 injection, dumping, spilling, leaking or placing of a
16 hazardous waste into or on land or water so that the
17 hazardous waste or a constituent of the hazardous
18 waste may enter the environment or be emitted into the
19 air or discharged into any waters, including ground
20 waters.

21 3. a. "Hazardous waste" means a waste or
22 ~~combination-of-wastes-that,-because-of-its-quantity,-~~
23 ~~concentration,-biological-degradation,-leaching-from~~
24 ~~precipitation,-or-physical,-chemical,-or-infectious~~
25 ~~characteristics,-has-either-of-the-following-effects:~~

26 (1) ~~--Causes,-or-significantly-contributes-to-an~~
27 ~~increase-in-mortality-or-an-increase-in-serious~~
28 ~~irreversible,-or-incapacitating-reversible,-illness,-~~

29 (2) ~~--Poses-a-substantial-present-or-potential~~
30 ~~hazard-to-human-health-or-the-environment-when~~
31 ~~improperly-treated,-stored,-transported,-or-disposed~~
32 ~~of,-or-otherwise-managed;--"Hazardous-waste"-may~~
33 ~~include-but-is-not-limited-to-wastes-that-are-toxic,~~
34 ~~corrosive-or-flammable-or-irritants,-strong~~
35 ~~sensitizers-or-explosives;~~

36 b. ~~--"Hazardous-waste"-does-not-include:~~

37 (1) ~~--Agricultural-wastes,-including-manures-and~~
38 ~~crop-residues-that-are-returned-to-the-soil-as~~
39 ~~fertilizers-or-soil-conditioners;~~

40 (2) ~~--Source,-special-nuclear,-or-by-product~~
41 ~~material-as-defined-in-the-Atomic-Energy-Act-of-1954,~~
42 ~~as-amended-to-January-17-1979~~ identified as a
43 hazardous waste or listed by the administrator of the
44 United States environmental protection agency under
45 the federal Solid Waste Disposal Act as amended by the
46 federal Resource Conservation and Recovery Act of
47 1976, 42 U.S.C. § 6901 et seq.

48 4 3. "Lubricating oil" means the fraction of crude
49 oil or re-refined oil which is sold for purposes of
50 reducing friction in an industrial or mechanical

1 device.

2 5. ~~---"Manifest" means the form used for identifying~~
3 ~~the quantity, composition, and the origin, routing,~~
4 ~~and destination of hazardous waste during its~~
5 ~~transportation from the point of generation to the~~
6 ~~point of disposal, treatment or storage.~~

7 6 4. "Recycled oil" means used oil which is
8 reused, following its original use, for any purpose,
9 including the purpose for which the oil was originally
10 used. Recycled oil includes oil which is refined,
11 reclaimed, burned, or reprocessed.

12 7 5. "Re-refined oil" means used oil from which
13 the physical and chemical contaminants acquired
14 through previous use have been removed through a
15 refining process.

16 8. ~~---"Storage" means the containment of a hazardous~~
17 ~~waste, either on a temporary basis or for a period of~~
18 ~~years, in a manner that does not constitute disposal~~
19 ~~of the hazardous waste.~~

20 9. ~~---"Treatment" means a method, technique, or~~
21 ~~process, including neutralization, designed to change~~
22 ~~the physical, chemical or biological character or~~
23 ~~composition of a hazardous waste so as to neutralize~~
24 ~~the waste or to render the waste nonhazardous, safer~~
25 ~~for transport, amenable for recovery, amenable for~~
26 ~~storage, or to reduce the waste in volume. ---Treatment~~
27 ~~includes any activity or processing designed to change~~
28 ~~the physical form or chemical composition of hazardous~~
29 ~~waste to render the waste nonhazardous.~~

30 10 6. "Used oil" means oil which has been refined
31 from crude oil, has then been used, and as a result of
32 the use, is contaminated by physical or chemical
33 impurities.

34 Sec. 2. Section 455B.412, Code 1985, is amended by
35 striking the subsection and inserting the following:

36 455B.412 DUTIES OF THE COMMISSION.

37 The commission shall:

38 1. Notwithstanding section 455B.420, adopt rules
39 regulating the use of recycled oil for the purpose of
40 road oiling, dust control, or weed control necessary
41 to protect public health and the environment. The
42 rules adopted shall be limited to addressing the
43 following:

44 a. Analysis of oils by those persons supplying the
45 oils prior to their use for road oiling, dust control
46 or weed control. This analysis shall be for
47 polychlorinated biphenyl, flashpoints, and lead.

48 b. Notification by the person supplying the oils
49 of the results of analysis required to the person to
50 whom the oils are supplied or delivered and the

1 department at the time of delivery or prior to
2 application of oils for road oiling, dust control or
3 weed control.

4 c. Establishing maximum levels of contaminants
5 allowed in oils used for the purpose of road oiling,
6 dust control or weed control and prohibiting the use
7 of oils containing contaminants in excess of maximum
8 allowable levels for such purposes.

9 d. Requirements for persons supplying oils for the
10 mitigation and cleanup of contamination posing a
11 threat to public health and the environment resulting
12 from oils applied for road oiling, dust control or
13 weed control.

14 2. Adopt such rules pursuant to chapter 17A as are
15 necessary to protect the public and to implement this
16 part.

17 Sec. 3. Section 455B.442, subsection 1, paragraph
18 a, Code 1985, is amended to read as follows:

19 1. a. "Facility" means land and structures, other
20 appurtenances, and improvements on the land used for
21 the treatment, storage, or disposal of a hazardous
22 waste required to have a permit under ~~section-455B-415~~
23 the federal Resource Conservation and Recovery Act, 42
24 U.S.C. § 6901 et seq.

25 Sec. 4. Section 455B.442, subsection 2, Code 1985,
26 is amended by striking the subsection and inserting
27 the following:

28 2. "Hazardous waste" means a waste identified as a
29 hazardous waste or listed by the administrator of the
30 United States environmental protection agency under
31 the Solid Waste Disposal Act as amended by the federal
32 Resource Conservation and Recovery Act of 1976, 42
33 U.S.C. § 6901 et seq.

34 Sec. 5. Section 455B.442, subsection 4, Code 1985,
35 is amended to read as follows:

36 4. "Construct" means significant alteration of a
37 site to install permanent equipment or structures but
38 does not include activities incident to preliminary
39 engineering, environmental studies, or acquisition of
40 a site for a facility. "Construct" includes
41 alteration to existing structures or a land disposal
42 facility to initially accommodate hazardous waste but
43 does not include any alteration to increase the
44 capacity or change the ability to accommodate
45 hazardous waste. ~~However, any alteration to increase~~
46 ~~or change the ability to accommodate hazardous waste~~
47 ~~is subject to section 455B-413.~~

48 Sec. 6. Section 455B.443, subsection 4, Code 1985,
49 is amended to read as follows:

50 4. This part 6 of division IV does not apply to a

1 facility that ~~is subject to section 455B.415~~
2 ~~subsection 27~~ has obtained interim status or other
3 applicable hazardous waste permits and that has
4 obtained applicable local zoning permits and for which
5 contracts have been signed prior to January 1, 1982.
6 Sec. 7. Section 455B.448, subsection 2, Code 1985,
7 is amended to read as follows:

8 2. The commission shall grant the license if it
9 finds that the facility will meet the requirements
10 imposed by ~~rules adopted by the commission under~~
11 ~~section 455B.4127 subsection 37 and the permit~~
12 requirement of section 455B.415 regulations adopted by
13 the United States environmental protection agency
14 pursuant to the federal Resource Conservation and
15 Recovery Act, 42 U.S.C. § 6901 et seq., that operation
16 of the facility at the proposed location will be in
17 the public interest and that the public health and
18 welfare and the environment will be adequately
19 protected. The failure of the proposed facility to
20 meet zoning requirements established under chapters
21 329, 358A, and 414, and the licensing requirements of
22 regulatory agencies except the requirements imposed by
23 ~~sections 455B.4127 subsection 3 and 455B.415~~ the
24 federal Resource Conservation and Recovery Act shall
25 not preclude the commission from issuing the license
26 and to that extent this subsection supersedes the
27 licensing requirements of regulatory agencies and the
28 requirements of chapters 329, 358A and 414.

29 Sec. 8. Section 455B.451, Code 1985, is amended to
30 read as follows:

31 455B.451 FURTHER APPROVALS PROHIBITED --
32 EXCEPTION.

33 Upon the issuance of a license under this part 6 of
34 division IV, notwithstanding any provision of law or
35 ordinance except statutory requirements relating to
36 the protection of employees engaged in the
37 construction of the facility, no further approval,
38 permit, or license for the construction, operation, or
39 maintenance of the facility as stated in the license
40 shall be required. The commission may incorporate in
41 the license the licensing requirements of a regulatory
42 agency to the extent that those requirements are
43 consistent with the construction and operation of the
44 facility according to the requirements of the
45 commission. ~~However, this section does not limit the~~
46 ~~authority of the executive director under sections~~
47 ~~455B.413 and 455B.415.~~ A local unit of government
48 shall not unduly restrict the transportation of
49 hazardous waste to a facility for which a license has
50 been issued under this part 6 of division IV.

Energy and Environmental Protection: Shultz, Chair; Hughes, Johnson, Mullins and Torrence.

SENATE FILE 463

BY COMMITTEE ON ENERGY AND ENVIRONMENT

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1985)

Passed Senate, Date 4-30-85 (p. 1774) Passed House, Date 4-16-85 (p. 1603)

Vote: Ayes 34 Nays 10 Vote: Ayes 77 Nays 18

Approved May 28, 1985
Motion to reconsider (p. 1627) w/d 4/26

A BILL FOR

1 An Act relating to the disposal of hazardous wastes, providing
2 for a civil penalty, and providing for an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ALL New Language
by the Senate

1 Section 1. Section 455B.422, Code 1985, is amended to read
2 as follows:

3 455B.422 ACQUISITION AND LEASE OF SITES.

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

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

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

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

1 2. "Land disposal" means either of the following:
2 a. Disposal of hazardous wastes on or into the land,
3 including, but not limited to, landfill, surface impoundment,
4 waste piles, land spreading, and coburial with municipal
5 garbage.
6 b. Treatment of hazardous wastes on or in the land, such
7 as neutralization and evaporation ponds and land farming,
8 where the treatment residues are hazardous wastes and are not
9 removed for subsequent processing or disposal within one year.

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

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

16 4. "Storage" means the containment of a hazardous waste
17 for a period less than one year in a manner consistent with
18 the requirements of 42 U.S.C. §69216934 as amended to January
19 1, 1981 and the regulations adopted pursuant to those
20 sections.

21 5. "Facility" means facility as defined in section
22 455B.442, subsection 1.

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

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

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

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

35 b. The handler proves to the satisfaction of the

1 commission that there is no available alternative including
2 above ground storage for the disposal of hazardous waste.

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

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

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

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

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

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

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

28 Sec. 5. NEW SECTION. 455B.464 ADDITIONAL HAZARDOUS OR
29 NONHAZARDOUS WASTE LISTED.

30 Notwithstanding the restriction in section 455B.420, the
31 executive director shall compile, annually, a list of
32 additional hazardous wastes for adoption by the commission.
33 The list shall include wastes which may be a significant
34 environmental burden if disposed of at a land disposal
35 facility.

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

2 It is unlawful for a person to inject wastes into a well.

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

4 A person who violates a provision of this part is subject
5 to a civil penalty of not more than ten thousand dollars for
6 each violation and for each day of continuing violation.

7 Civil penalties collected pursuant to this section shall be
8 forwarded by the clerk of the district court to the treasurer
9 of state for deposit in the general fund of the state.

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

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

14 1. When the materials sought to be disposed of resulted
15 from the cleanup of a hazardous condition involving a
16 hazardous waste.

17 2. When the materials sought to be disposed of resulted
18 from remediation or cleanup of abandoned or uncontrolled
19 hazardous waste sites.

20 Sec. 9. NEW SECTION. 455D.468 COORDINATION WITH EXISTING
21 REPORTING AND PERMITTING REQUIREMENTS.

22 This part does not require the department to establish a
23 reporting or permitting system if such a system is already
24 established under the federal Resource Conservation and
25 Recovery Act 42 U.S.C. §6901 et. seq. and administered and
26 enforced through the federal environmental protection agency
27 that achieves the objectives set out in this part. Consistent
28 with this part, the department may establish requirements in
29 addition to those established under the Resource Conservation
30 Recovery Act for reporting, permitting, and enforcement.

31 However, in such actions, the department shall avoid any
32 redundancy in reporting, compliance, and enforcement with that
33 provided under the Resource Conservation and Recovery Act.

34 Notwithstanding section 455.420, the rules and requirements
35 imposed under this part may be more restrictive than required

1 by federal law or regulation.

2 Sec. 10. PLAN FOR HAZARDOUS WASTE STORAGE FACILITY. The
3 department of water, air and waste management shall submit a
4 plan for the siting and construction of an above-ground
5 facility for the long-term storage of hazardous wastes. The
6 plan shall include capital needs and annual operating costs of
7 the facility. The plan shall also show the costs to private
8 persons if the costs of establishing and operating the
9 facility are paid by user fees and hazardous waste taxes. The
10 plan shall be submitted to the governor and the general
11 assembly by January 1, 1987.

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

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SENATE FILE 463

H-3756

1 Amend Senate File 463 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, line 18, by striking the figure
4 "\$69216934" and inserting the figure "\$ 6921-6934".

5 2. Page 3, line 32, by inserting after the word
6 "commission" the following: "pursuant to the
7 rulemaking procedures of chapter 17A".

8 3. Page 4, line 2, by inserting after the word
9 "inject" the following: "hazardous or restricted".

10 4. Page 4, line 20, by striking the figure
11 "455D.468" and inserting the following: "455B.468".

12 5. Page 4, line 34, by striking the figure
13 "455.420" and inserting the following: "455B.420".

14 6. Page 5, by striking line 6 through line 11 and
15 inserting the following: "plan shall include, but is
16 not limited to, all of the following:

17 a. The capital needs and annual operating costs of
18 the facility.

19 b. The costs to private persons if the costs of
20 establishing and operating the facility are paid by
21 user fees and hazardous waste taxes.

22 c. Provisions that anticipate and provide for
23 compatibility with a possible future expansion to
24 include other methods of disposal on the site.

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

BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

H-3756 FILED APRIL 11, 1985

Adopted 4/16/85 (p. 1602)

SENATE FILE 463

H-3797

1 Amend Senate File 463 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, line 29 by striking the word
4 "NONHAZARDOUS" and inserting the word "RESTRICTED".

5 2. Page 3, line 33 by inserting after the word
6 "wastes" the following: ", based upon toxicity
7 concentration levels,".

H-3797 FILED APRIL 15, 1985 BY PAULIN of Plymouth

A - Adopted, B - Lost 4/16 (p. 1602)

1 Amend Senate File 463 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, line 18, by striking the figure
4 "\$69216934" and inserting the figure "\$ 6921-6934".
5 2. Page 3, line 29 by striking the word
6 "NONHAZARDOUS" and inserting the word "RESTRICTED".
7 3. Page 3, line 32, by inserting after the word
8 "commission" the following: "pursuant to the
9 rulemaking procedures of chapter 17A".
10 4. Page 4, line 2, by inserting after the word
11 "inject" the following: "hazardous or restricted".
12 5. Page 4, line 20, by striking the figure
13 "455D.468" and inserting the following: "455B.468".
14 6. Page 4, line 34, by striking the figure
15 "455.420" and inserting the following: "455B.420".
16 7. Page 5, by striking line 6 through line 11 and
17 inserting the following: "plan shall include, but is
18 not limited to, all of the following:
19 a. The capital needs and annual operating costs of
20 the facility.
21 b. The costs to private persons if the costs of
22 establishing and operating the facility are paid by
23 user fees and hazardous waste taxes.
24 c. Provisions that anticipate and provide for
25 compatibility with a possible future expansion to
26 include other methods of disposal on the site.
27 The plan shall be submitted to the governor and the
28 general assembly by January 1, 1987."

S-4114 Filed April 29, 1985

RECEIVED FROM THE HOUSE

Senate concurred 4-30-85 (p. 1776)

New
SF 463

SSB 317A
Energy & Environment

SENATE FILE 463

BY (PROPOSED COMMITTEE ON ENERGY AND ENVIRONMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposal of hazardous wastes, providing
2 for a civil penalty, and providing for an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 above ground storage for the disposal of hazardous waste.

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

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

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

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

16 Sec. 3. NEW SECTION. 455B.463 DILUTION OF HAZARDOUS
17 WASTE.

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

25 Sec. 4. NEW SECTION. 455B.464 ADDITIONAL HAZARDOUS OR
26 NONHAZARDOUS WASTE LISTED.

27 Notwithstanding the restriction in section 455B.420, the
28 executive director shall compile, annually, a list of
29 additional hazardous wastes for adoption by the commission.
30 The list shall include wastes which may be a significant
31 environmental burden if disposed of at a land disposal
32 facility.

33 Sec. 5. NEW SECTION. 455B.465 WELL INJECTION PROHIBITED.

34 It is unlawful for a person to inject wastes into a well.

35 Sec. 6. NEW SECTION. 455B.466 CIVIL PENALTIES.

1 A person who violates a provision of this part is subject
2 to a civil penalty of not more than ten thousand dollars for
3 each violation and for each day of continuing violation.

4 Civil penalties collected pursuant to this section shall be
5 forwarded by the clerk of the district court to the treasurer
6 of state for deposit in the general fund of the state.

7 Sec. 7. NEW SECTION. 455B.467 EMERGENCY VARIANCE.

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

11 1. When the materials sought to be disposed of resulted
12 from the cleanup of a hazardous condition involving a
13 hazardous waste.

14 2. When the hazardous condition results in the creation of
15 the hazardous waste.

16 Sec. 8. PLAN FOR HAZARDOUS WASTE STORAGE FACILITY. The
17 department of water, air and waste management shall submit a
18 plan for the siting and construction of a land disposal fa-
19 cility for the above-ground storage of hazardous wastes. The
20 plan shall include capital needs and annual operating costs of
21 the facility. The plan shall also show the costs to private
22 persons if the costs of establishing and operating the
23 facility are paid by user fees and hazardous waste taxes. The
24 plan shall be submitted to the governor and the general
25 assembly by January 1, 1987.

26 Sec. 9. Sections 2, 4, and 7 of this Act are effective on
27 July 1, 1986.

28 EXPLANATION

29 This bill provides that land disposal of hazardous wastes
30 shall be restricted and shall be permitted in only specially
31 limited situations. The bill establishes criteria regarding
32 the possible establishment of a hazardous waste disposal site
33 operated by the state. By January 1, 1987, the department of
34 water, air and waste management is to submit a plan for the
35 siting and construction of a land disposal facility for the

1 Section 1. NEW SECTION. 455B.461 DEFINITIONS.

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

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

6 2. "Land disposal" means any of the following:

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

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

15 c. Storage of hazardous wastes on or in the land, such as
16 waste piles and surface impoundments, other than
17 neutralization and evaporation ponds, for longer than one
18 year.

19 3. "Storage" means storage as defined in section 455B.411,
20 subsection 8.

21 4. "Facility" means facility as defined in section
22 455B.442, subsection 1.

23 5. "Restricted waste" means a hazardous waste or any other
24 waste which is determined by rule of the commission to be a
25 significant environmental burden if disposed of at a land dis-
26 posal facility.

27 Sec. 2. NEW SECTION. 455B.462 ELIMINATION OF LAND
28 DISPOSAL OF HAZARDOUS WASTE.

29 1. A generator, recycler, transporter or other handler of
30 hazardous waste shall not dispose of the wastes by land dis-
31 posal, unless all of the following conditions exist:

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

34 b. The handler proves to the satisfaction of the
35 commission that there is no available alternative including

1 above-ground storage of hazardous wastes. The plan is to in-
2 clude capital needs and annual operating costs of the
3 facility, including user fees and waste taxes necessary to
4 fund the entire plan. Sections 2, 4, and 7 of the bill take
5 effect on July 1, 1986.

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SENATE FILE 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 co-burial 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, 1991 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 and 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.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 463, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 28, 1985

TERRY E. BRANSTAD
Governor