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FILED MAR 12 1987

SENATE FILE 396  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES  
*Approved (p. 669)*

Passed Senate, Date 4-1-87 (p. 10-28) Passed House, Date 5-9-87 (p. 2243)  
Vote: Ayes 43 Nays 6 Vote: Ayes 94 Nays 0  
Approved June 2, 1987

A BILL FOR

1 An Act relating to the creation of a waste management authority  
2 within the environmental protection division of the department  
3 of natural resources.

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

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PART 9

WASTE MANAGEMENT AUTHORITY

Section 1. NEW SECTION. 455B.479 SHORT TITLE.

This part may be cited as the "Waste Management Authority Act".

Sec. 2. LEGISLATIVE FINDINGS AND PURPOSE.

The general assembly finds as follows:

1. Solid wastes, wastes containing toxic or hazardous properties, and wastes which are considered to be low-level radioactive wastes are generated from modern agricultural, industrial, medical, educational, and research activities within the state.

2. The proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered to be low-level radioactive wastes are essential to protecting the public health and safety of citizens, protecting the environment and natural resources, and preserving the agricultural, industrial, medical, educational and research economic base of this state.

3. Ensuring the proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered as low-level radioactive wastes is a fundamental duty and responsibility of this state under provisions and mandates of various federal and state legislative enactments.

4. It is in the direct and best interest of the public health and safety, protection of the environment and natural resources, and preservation of the agricultural, industrial, medical, educational, and research economic base of this state for the state to make provisions for the proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered as low-level radioactive wastes generated within this state.

5. It is the purpose of this part to make provisions for the proper and safe management and disposition of solid

1 wastes, wastes containing toxic or hazardous properties, and  
2 wastes considered as low-level radioactive wastes by:

3 a. Authorizing the state to encourage, promote, sponsor,  
4 and support the proper and safe management and disposition of  
5 solid, toxic, hazardous and low-level radioactive wastes  
6 generated within this state.

7 b. Authorizing the state to cooperate with local units of  
8 government, governments of other states, the government of the  
9 United States, and other persons to make provisions for the  
10 proper and safe management and disposition of solid, toxic,  
11 hazardous and low-level radioactive wastes generated in this  
12 state. Cooperative efforts may include provisions for  
13 regional and multistate management of these wastes.

14 c. Authorizing the state to acquire property, construct,  
15 own, and operate facilities within the state to be used for  
16 the proper and safe management and disposition of solid,  
17 toxic, hazardous, and low-level radioactive wastes generated  
18 within this state. These activities may be conducted in joint  
19 cooperation with local units of government, the governments of  
20 other states, the government of the United States, or other  
21 persons. Any facilities acquired, owned or operated by the  
22 state of Iowa under this part may be used for regional or  
23 multistate management and disposition of these wastes.

24 Sec. 3. NEW SECTION. 455B.480 DEFINITIONS.

25 As used in this part unless the context otherwise requires:

26 1. "Administrator" means the administrator of the  
27 environmental protection division.

28 2. "Department" means the department of natural resources.

29 3. "Director" means the director of the department of  
30 natural resources.

31 4. "Commission" means the environmental protection  
32 commission.

33 5. "Facilities" means land and improvements on land,  
34 buildings and other structures, and other appurtenances used  
35 for the management of solid, toxic, hazardous or low-level

1 radioactive wastes, including but not limited to waste  
2 collection sites, waste transfer stations, waste reclamation  
3 and recycling centers, waste processing centers, waste  
4 treatment centers, waste storage sites, waste reduction and  
5 compaction centers, and waste disposal sites.

6 6. "Hazardous waste" means hazardous waste as defined in  
7 section 455B.411, subsection 4, and under section 455B.464.

8 7. "Low-level radioactive waste" means low-level  
9 radioactive waste as defined in section 8C.1, article II,  
10 paragraph "i", and as defined in the federal Low-Level  
11 Radioactive Waste Policy Amendments Act, 42 U.S.C. § 2021.

12 8. "Management of waste" means the storage,  
13 transportation, treatment, or disposal of waste.

14 9. "Person" means person as defined in section 4.1.

15 10. "Site" means the geographic location of a facility.

16 11. "Solid waste" means solid waste as defined in section  
17 455B.301, subsection 5.

18 12. "State" means a state of the United States, the  
19 District of Columbia, the Commonwealth of Puerto Rico, the  
20 Virgin Islands or any other territorial possession of the  
21 United States.

22 13. "Storage" means the temporary holding of waste for  
23 treatment or disposal.

24 14. "Treatment" means any method, technique, or process  
25 designed to change the physical, chemical, or biological  
26 characteristics or composition of any waste in order to render  
27 the waste safer for transport or management, amenable to  
28 recovery, convertible to another usable material, or reduced  
29 in volume.

30 15. "Disposal" means the isolation of waste from the  
31 biosphere in a permanent facility designed for that purpose.

32 16. "Regulatory agency" means a federal, state, or local  
33 agency that issues a license or permit required for the  
34 siting, construction, operation, or maintenance of a facility  
35 pursuant to federal or state statute or rule, or local

1 ordinance or resolution.

2 17. "Waste management authority" means the waste  
3 management authority established within the environmental  
4 protection division.

5 18. "Waste" means solid waste, hazardous waste, and low-  
6 level radioactive waste as defined in this section.

7 Sec. 4. NEW SECTION. 455B.481 WASTE MANAGEMENT AUTHORITY  
8 CREATED.

9 A waste management authority is created within the  
10 environmental protection division of the department of natural  
11 resources for the purpose of carrying out the provisions of  
12 this part. The waste management authority is under the  
13 immediate direction and supervision of the administrator of  
14 the environmental protection division.

15 Sec. 5. NEW SECTION. 455B.482 DUTIES OF THE WASTE  
16 MANAGEMENT AUTHORITY.

17 The waste management authority shall:

18 1. Recommend to the administrator the adoption of rules  
19 necessary to implement this part.

20 2. Seek, receive, and accept funds in the form of  
21 appropriations, grants, awards, wills, bequests, endowments,  
22 and gifts for deposit into the waste management authority  
23 trust fund to be used for programs relating to the duties of  
24 the division under this part.

25 3. Administer and coordinate the waste management trust  
26 fund created under this part.

27 4. Enter into contracts and agreements with local units of  
28 government, other state agencies, governments of other states,  
29 governmental agencies of the United States, other public and  
30 private contractors, and other persons as may be necessary or  
31 beneficial in carrying out its duties under this part.

32 5. Represent the state in all matters pertaining to plans,  
33 procedures, negotiations, and agreements for interstate  
34 compacts or public/private compacts relating to the ownership,  
35 operation, management, or funding of a facility. Any

1 agreement is subject to the approval of the commission.

2 6. Review, propose, and recommend legislation relating to  
3 the proper and safe management of waste.

4 7. Establish a central repository and information  
5 clearinghouse within the state for the collection and  
6 dissemination of data and information pertaining to the proper  
7 and safe management of waste.

8 8. Develop, sponsor, and assist in the implementation of  
9 public education and information programs on proper and safe  
10 management of waste in cooperation with other public and  
11 private agencies as deemed appropriate.

12 9. Annually submit to the governor and the general  
13 assembly a report outlining the activities of the authority in  
14 carrying out programs and responsibilities under this part,  
15 and identifying trends and developments in the management of  
16 waste.

17 Sec. 6. NEW SECTION. 455B.483. POWERS AND DUTIES OF THE  
18 COMMISSION.

19 The commission shall:

20 1. Establish policy for the implementation of this part.

21 2. Adopt, modify, or repeal rules necessary to implement  
22 this part pursuant to chapter 17A.

23 3. Approve the budget request for the waste management  
24 authority prepared by the administrator prior to submission to  
25 the department of management. The commission may increase,  
26 decrease, or strike any proposed expenditure within the waste  
27 management authority budget request before granting approval.

28 4. Recommend legislative action which may be required for  
29 the safe and proper management of waste, for the acquisition  
30 or operation of a facility, for the funding of a facility, to  
31 enter into interstate agreements for the management of a  
32 facility, and to improve the operation of the waste management  
33 authority.

34 5. Approve all contracts and agreements under this part  
35 between the waste management authority and other public or

1 private persons or agencies.

2 Sec. 7. NEW SECTION. 455B.484 FACILITY SITING.

3 1. The waste management authority shall identify and  
4 recommend to the commission suitable sites for locating  
5 facilities for the treatment, storage, or disposal of  
6 hazardous waste within this state. The waste management  
7 authority shall use site selection criteria adopted by the  
8 environmental protection commission pursuant to section  
9 455B.422 in identifying these sites. The commission shall  
10 accept or reject the recommendation of the authority. If the  
11 commission rejects the recommendation of the authority, the  
12 commission shall state its reasons for rejecting the  
13 recommendation.

14 2. The waste management authority shall adopt rules  
15 establishing criteria for the identification of sites which  
16 are suitable for the operation of low-level radioactive waste  
17 disposal facilities. The waste management authority shall  
18 apply these criteria, once adopted, to identify and recommend  
19 to the commission sites suitable for locating facilities for  
20 the disposal of low-level radioactive waste. The commission  
21 shall accept or reject the recommendation of the authority.  
22 If the commission rejects the recommendation of the authority,  
23 the commission shall state its reasons for rejecting the  
24 recommendation.

25 Sec. 8. NEW SECTION. 455B.485 FACILITY ACQUISITION AND  
26 OPERATION.

27 The waste management authority may purchase or condemn land  
28 for facilities for the management of wastes, including  
29 hazardous wastes and low-level radioactive wastes.  
30 Consideration for a contract for purchase of land shall not be  
31 in excess of funds appropriated by the general assembly for  
32 that purpose. The waste management authority may lease land  
33 purchased under this section to any person, including the  
34 state or a state agency. This section authorizes the state to  
35 own or operate facilities for the management of wastes,

1 including hazardous and low-level radioactive waste, wholly or  
2 in joint cooperation and partnership with other public and  
3 private agencies, including other states. Facilities acquired  
4 or operated pursuant to this section shall comply with  
5 applicable federal and state statutes, local ordinances, and  
6 regulations adopted by regulatory agencies to the extent  
7 required by law.

8 Facilities acquired or operated pursuant to this section  
9 may be used for regional, statewide or multistate management  
10 of wastes.

11 Facilities acquired or operated pursuant to this section  
12 shall not be used for the purpose of shallow land burial of  
13 wastes as a means of disposal.

14 Sec. 9. NEW SECTION. 455B.486 HOUSEHOLD HAZARDOUS WASTE  
15 COLLECTION AND DISPOSITION.

16 The waste management authority shall develop, sponsor, and  
17 assist in conducting local, regional, or statewide programs  
18 for the receipt or collection and proper management of  
19 hazardous wastes from households and farms. In conducting  
20 such events the waste management authority may establish  
21 limits on the types and amounts of wastes that will be  
22 collected, and may establish a fee system for acceptance of  
23 wastes in quantities exceeding the limits established pursuant  
24 to this section.

25 Sec. 10. NEW SECTION. 455B.487 WASTE MANAGEMENT  
26 AUTHORITY FUND.

27 A waste management authority fund is created within the  
28 state treasury. Moneys received by the authority from fees,  
29 general revenue, federal funds, awards, wills, bequests,  
30 gifts, or other moneys designated shall be deposited in the  
31 state treasury to the credit of the fund. Any unexpended  
32 balance in the fund at the end of each fiscal year shall be  
33 retained in the fund. Any interest and earnings on  
34 investments from money in the fund shall be credited to the  
35 fund, section 453.7 notwithstanding.

1 The division shall, on or before September 1 of each year,  
2 submit to the department of management for submittal to the  
3 general assembly a detailed estimate of the amount of funds  
4 required from the waste management authority and for the  
5 succeeding year for carrying out the activities of the waste  
6 management authority pursuant to this part.

7 Sec. 11. Section 455B.422, Code 1987, is amended to read  
8 as follows:

9 455B.422 ACQUISITION AND LEASE OF SITES.

10 The commission shall adopt rules establishing criteria for  
11 the identification of land areas or sites which are suitable  
12 for the operation of a treatment, disposal, or storage  
13 facility. Upon request, the department shall assist in  
14 locating suitable sites for the location of a treatment,  
15 disposal, or storage facility. The commission may purchase or  
16 condemn land to be leased for the operation of a treatment,  
17 disposal, or storage facility subject to chapter 471.

18 ~~Consideration for a contract for purchase of land shall not be~~  
19 ~~in excess of funds appropriated by the general assembly for~~  
20 ~~that purpose. The commission may lease land purchased under~~  
21 ~~this section to any person including the state or a state~~  
22 ~~agency. This section authorizes the state to own or operate~~  
23 ~~hazardous waste treatment, disposal, or storage facilities for~~  
24 ~~the treatment, disposal, and storage of hazardous wastes. The~~  
25 terms of ~~the lease~~ a lease for land leased by the waste  
26 management authority for the purpose of waste management shall  
27 establish responsibility for long-term monitoring and  
28 maintenance of the site. The lessee is subject to all  
29 applicable requirements of this part including permit  
30 requirements. The commission shall require the lessee to post  
31 bond conditioned upon performance of conditions of the lease  
32 relating to long-term monitoring and maintenance. The  
33 leasehold interest including improvements made to the property  
34 shall be listed, assessed, and valued as any other real  
35 property as provided by law. A facility acquired or operated

1 ~~pursuant to this section~~ under the purview of the waste  
2 management authority is subject to the licensing requirements  
3 of section 455B.443.

4 EXPLANATION

5 This bill establishes a waste management authority within  
6 the environmental protection division of the department of  
7 natural resources. The bill cites legislative findings  
8 regarding management of waste generated within the state and  
9 makes provisions for the proper and safe management and  
10 disposition of wastes. The waste management authority is  
11 under the immediate direction and supervision of the  
12 administrator of the environmental protection division. The  
13 waste management authority is directed to recommend rules;  
14 seek, receive, and accept funds for its purposes; administer  
15 and coordinate the waste management trust fund; enter into  
16 agreements and contracts to carry out its duties; represent  
17 the state in all matters pertaining to interstate or  
18 public/private compacts relating to a facility; review,  
19 propose, and recommend legislation for management of wastes;  
20 establish a centralized collection and dissemination point for  
21 data and information relating to management of waste; develop,  
22 sponsor, and assist in the implementation of public education  
23 efforts regarding waste management, and submit an annual  
24 report to the general assembly and to the governor regarding  
25 waste management. The bill directs the commission to  
26 establish policy; adopt rules; approve budget requests  
27 prepared by the administrator; recommend legislative action,  
28 and approve all contracts and agreements of the waste  
29 management authority. The bill directs the waste management  
30 authority to identify sites for hazardous waste facilities  
31 based upon the criteria of the environmental protection  
32 commission, to adopt rules establishing criteria for  
33 identification of low-level radioactive waste disposal  
34 facilities, and identify suitable sites based upon the  
35 criteria. The bill provides the waste management authority

1 with the authority to purchase or condemn land for facilities  
2 for the management of waste. The state is authorized to own  
3 or operate facilities for waste management purposes and allow  
4 that the facility acquired or operated pursuant to the  
5 provisions of the section may be used for regional, statewide,  
6 or multistate management of wastes but not for disposal by  
7 shallow land burial of waste. The waste management authority  
8 may sponsor and assist in household hazardous waste collection  
9 and disposition. The bill creates a waste management  
10 authority fund for the purpose of providing moneys for the  
11 activities of the waste management authority.

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SENATE FILE 396

S-3359

- 1 Amend Senate File 396 as follows:
- 2 1. Page 2, line 13, by striking the words "these
- 3 wastes" and inserting the following: "wastes
- 4 generated in this state or in other states".
- 5 2. Page 2, by striking lines 26 through 32.
- 6 3. Page 3, line 5, by inserting after the word
- 7 "centers," the following: "waste incineration
- 8 centers, waste detoxification centers,".
- 9 4. Page 4, lines 15 and 16, by striking the words
- 10 "WASTE MANAGEMENT AUTHORITY" and inserting the fol-
- 11 lowing: "ADMINISTRATOR".
- 12 5. Page 4, line 17, by striking the words "waste
- 13 management authority" and inserting the following:
- 14 "administrator".
- 15 6. Page 4, line 18, by striking the word
- 16 "administrator" and inserting the following:
- 17 "commission".
- 18 7. Page 4, line 27, by inserting after the word
- 19 "agreements" the following: ", with the approval of
- 20 the commission for contracts in excess of twenty-five
- 21 thousand dollars,".
- 22 8. Page 5, by striking lines 12 and 13 and in-
- 23 serting the following:
- 24 "9. Include in the annual report to the governor
- 25 and the general assembly required by section 455A.4,
- 26 subsection 1, paragraph "d", information outlining the
- 27 activities of the authority in".
- 28 9. Page 5, line 34, by inserting after the word
- 29 "agreements" the following: ", in excess of twenty-
- 30 five thousand dollars,".
- 31 10. Page 6, line 3, by striking the words "waste
- 32 management authority" and inserting the following:
- 33 "administrator".
- 34 11. Page 6, lines 6 and 7, by striking the words
- 35 "waste management authority" and inserting the
- 36 following: "administrator".
- 37 12. Page 6, line 10, by striking the word
- 38 "authority" and inserting the following:
- 39 "administrator".
- 40 13. Page 6, line 11, by striking the word
- 41 "authority" and inserting the following:
- 42 "administrator".
- 43 14. Page 6, line 14, by striking the words "waste
- 44 management authority" and inserting the following:
- 45 "commission".
- 46 15. Page 6, line 17, by striking the words "waste
- 47 management authority" and inserting the following:
- 48 "administrator".
- 49 16. Page 6, line 21, by striking the word
- 50 "authority" and inserting the following:

S-3359

- 1 "administrator".
- 2 17. Page 6, line 22, by striking the word
- 3 "authority" and inserting the following:
- 4 "administrator".
- 5 18. Page 6, line 27, by striking the words "waste
- 6 management authority" and inserting the following:
- 7 "commission".
- 8 19. Page 6, line 32, by striking the words "waste
- 9 management authority" and inserting the following:
- 10 "commission".
- 11 20. Page 7, line 16, by striking the words "waste
- 12 management authority" and inserting the following:
- 13 "administrator".
- 14 21. Page 7, line 20, by striking the words "waste
- 15 management authority" and inserting the following:
- 16 "administrator".
- 17 22. Page 8, by striking lines 1 through 6.
- 18 23. By renumbering as necessary.

S-3359

Filed April 1, 1987

BY PATRICK J. DELUHERY

ADOPTED (p. 1029)

SENATE FILE 396

S-3351

- 1 Amend Senate File 396 as follows:
- 2 1. Page 4, by inserting after line 6 the
- 3 following:
- 4 "19. "Long-term monitoring and maintenance" means
- 5 the continued observation and care of a facility after
- 6 closure in order to ensure that the site poses no
- 7 threat to the public health, the groundwater, and the
- 8 environment. In the case of a low-level radioactive
- 9 waste facility, the time period constituting "long-
- 10 term" is the number of years of monitoring and
- 11 maintenance based upon the half-life properties of the
- 12 wastes, and in the case of a hazardous waste facility
- 13 is the number of years based upon the projected active
- 14 toxicity of the waste."
- 15 2. Page 6, line 34, by inserting after the word
- 16 "agency." the following: "The terms of a lease for
- 17 land leased by the waste management authority for the
- 18 purpose of hazardous or low-level radioactive waste
- 19 disposal shall establish responsibility for long-term
- 20 monitoring and maintenance of the site."

S-3351

Filed April 1, 1987

BY LARRY MURPHY

ADOPTED (p. 1029)

See Encl. 4/3/87  
Amend (3694) + Dr. Pass 4/4/87 (p. 804)

SENATE FILE 396  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES

(AS AMENDED AND PASSED BY THE SENATE APRIL 1, 1987)

~~\_\_\_\_\_~~ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date 5/9/87 (p. 1862) Passed House, Date 5-9-87 (p. 2243)  
Vote: Ayes 29 Nays 12 Vote: Ayes 94 Nays 0  
Approved June 2, 1987

A BILL FOR

26901 An Act relating to the creation of a waste management authority  
2 within the environmental protection division of the department  
3 of natural resources.

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

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PART 9

WASTE MANAGEMENT AUTHORITY

Section 1. NEW SECTION. 455B.479 SHORT TITLE.

This part may be cited as the "Waste Management Authority Act".

Sec. 2. LEGISLATIVE FINDINGS AND PURPOSE.

The general assembly finds as follows:

1. Solid wastes, wastes containing toxic or hazardous properties, and wastes which are considered to be low-level radioactive wastes are generated from modern agricultural, industrial, medical, educational, and research activities within the state.

2. The proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered to be low-level radioactive wastes are essential to protecting the public health and safety of citizens, protecting the environment and natural resources, and preserving the agricultural, industrial, medical, educational and research economic base of this state.

3. Ensuring the proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered as low-level radioactive wastes is a fundamental duty and responsibility of this state under provisions and mandates of various federal and state legislative enactments.

4. It is in the direct and best interest of the public health and safety, protection of the environment and natural resources, and preservation of the agricultural, industrial, medical, educational, and research economic base of this state for the state to make provisions for the proper and safe management and disposition of solid wastes, wastes containing toxic or hazardous properties, and wastes considered as low-level radioactive wastes generated within this state.

5. It is the purpose of this part to make provisions for the proper and safe management and disposition of solid

1 wastes, wastes containing toxic or hazardous properties, and  
2 wastes considered as low-level radioactive wastes by:

3 a. Authorizing the state to encourage, promote, sponsor,  
4 and support the proper and safe management and disposition of  
5 solid, toxic, hazardous and low-level radioactive wastes  
6 generated within this state.

7 b. Authorizing the state to cooperate with local units of  
8 government, governments of other states, the government of the  
9 United States, and other persons to make provisions for the  
10 proper and safe management and disposition of solid, toxic,  
11 hazardous and low-level radioactive wastes generated in this  
12 state. Cooperative efforts may include provisions for  
13 regional and multistate management of wastes generated in this  
14 state or in other states.

15 c. Authorizing the state to acquire property, construct,  
16 own, and operate facilities within the state to be used for  
17 the proper and safe management and disposition of solid,  
18 toxic, hazardous, and low-level radioactive wastes generated  
19 within this state. These activities may be conducted in joint  
20 cooperation with local units of government, the governments of  
21 other states, the government of the United States, or other  
22 persons. Any facilities acquired, owned or operated by the  
23 state of Iowa under this part may be used for regional or  
24 multistate management and disposition of these wastes.

25 Sec. 3. NEW SECTION. 455B.480 DEFINITIONS.

26 As used in this part unless the context otherwise requires:

- \* 27 1. "Facilities" means land and improvements on land,  
28 buildings and other structures, and other appurtenances used  
29 for the management of solid, toxic, hazardous, or low-level  
30 radioactive wastes, including but not limited to waste  
31 collection sites, waste transfer stations, waste reclamation  
32 and recycling centers, waste processing centers, waste  
33 treatment centers, waste storage sites, waste reduction and  
34 compaction centers, waste incineration centers, waste  
35 detoxification centers, and waste disposal sites.

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

3 3. "Low-level radioactive waste" means low-level  
4 radioactive waste as defined in section 8C.1, article II,  
5 paragraph "i", and as defined in the federal Low-Level  
6 Radioactive Waste Policy Amendments Act, 42 U.S.C. § 2021.

7 4. "Management of waste" means the storage,  
8 transportation, treatment, or disposal of waste.

9 5. "Person" means person as defined in section 4.1.

10 6. "Site" means the geographic location of a facility.

11 7. "Solid waste" means solid waste as defined in section  
12 455B.301, subsection 5.

13 8. "State" means a state of the United States, the  
14 District of Columbia, the Commonwealth of Puerto Rico, the  
15 Virgin Islands or any other territorial possession of the  
16 United States.

17 9. "Storage" means the temporary holding of waste for  
18 treatment or disposal.

19 10. "Treatment" means any method, technique, or process  
20 designed to change the physical, chemical, or biological  
21 characteristics or composition of any waste in order to render  
22 the waste safer for transport or management, amenable to  
23 recovery, convertible to another usable material, or reduced  
24 in volume.

25 11. "Disposal" means the isolation of waste from the  
26 biosphere in a permanent facility designed for that purpose.

27 12. "Regulatory agency" means a federal, state, or local  
28 agency that issues a license or permit required for the  
29 siting, construction, operation, or maintenance of a facility  
30 pursuant to federal or state statute or rule, or local  
31 ordinance or resolution.

32 13. "Waste management authority" means the waste  
33 management authority established within the environmental  
34 protection division.

35 14. "Waste" means solid waste, hazardous waste, and low-

1 level radioactive waste as defined in this section.

2 15. "Long-term monitoring and maintenance" means the  
3 continued observation and care of a facility after closure in  
4 order to ensure that the site poses no threat to the public  
5 health, the groundwater, and the environment. In the case of  
6 a low-level radioactive waste facility, the time period  
7 constituting "long-term" is the number of years of monitoring  
8 and maintenance based upon the half-life properties of the  
9 wastes, and in the case of a hazardous waste facility is the  
10 number of years based upon the projected active toxicity of  
11 the waste.

12 Sec. 4. NEW SECTION. 455B.481 WASTE MANAGEMENT AUTHORITY  
13 CREATED.

14 A waste management authority is created within the  
15 environmental protection division of the department of natural  
16 resources for the purpose of carrying out the provisions of  
17 this part. The waste management authority is under the  
18 immediate direction and supervision of the administrator of  
19 the environmental protection division.

20 Sec. 5. NEW SECTION. 455B.482 DUTIES OF THE  
21 ADMINISTRATOR.

22 The administrator shall:

23 1. Recommend to the commission the adoption of rules  
24 necessary to implement this part.

25 2. Seek, receive, and accept funds in the form of  
26 appropriations, grants, awards, wills, bequests, endowments,  
27 and gifts for deposit into the waste management authority  
28 trust fund to be used for programs relating to the duties of  
29 the division under this part.

30 3. Administer and coordinate the waste management trust  
31 fund created under this part.

32 4. Enter into contracts and agreements, with the approval  
33 of the commission for contracts in excess of twenty-five  
34 thousand dollars, with local units of government, other state  
35 agencies, governments of other states, governmental agencies

1 of the United States, other public and private contractors,  
2 and other persons as may be necessary or beneficial in  
3 carrying out its duties under this part.

4 5. Represent the state in all matters pertaining to plans,  
5 procedures, negotiations, and agreements for interstate  
6 compacts or public/private compacts relating to the ownership,  
7 operation, management, or funding of a facility. Any  
8 agreement is subject to the approval of the commission.

9 6. Review, propose, and recommend legislation relating to  
10 the proper and safe management of waste.

11 7. Establish a central repository and information  
12 clearinghouse within the state for the collection and  
13 dissemination of data and information pertaining to the proper  
14 and safe management of waste.

15 8. Develop, sponsor, and assist in the implementation of  
16 public education and information programs on proper and safe  
17 management of waste in cooperation with other public and  
18 private agencies as deemed appropriate.

19 9. Include in the annual report to the governor and the  
20 general assembly required by section 455A.4, subsection 1,  
21 paragraph "d", information outlining the activities of the  
22 authority in carrying out programs and responsibilities under  
23 this part, and identifying trends and developments in the  
24 management of waste.

25 Sec. 6. NEW SECTION. 455B.483. POWERS AND DUTIES OF THE  
26 COMMISSION.

27 The commission shall:

28 1. Establish policy for the implementation of this part.

29 2. Adopt, modify, or repeal rules necessary to implement  
30 this part pursuant to chapter 17A.

31 3. Approve the budget request for the waste management  
32 authority prepared by the administrator prior to submission to  
33 the department of management. The commission may increase,  
34 decrease, or strike any proposed expenditure within the waste  
35 management authority budget request before granting approval.

1 4. Recommend legislative action which may be required for  
2 the safe and proper management of waste, for the acquisition  
3 or operation of a facility, for the funding of a facility, to  
4 enter into interstate agreements for the management of a  
5 facility, and to improve the operation of the waste management  
6 authority.

7 5. Approve all contracts and agreements, in excess of  
8 twenty-five thousand dollars, under this part between the  
9 waste management authority and other public or private persons  
10 or agencies.

11 Sec. 7. NEW SECTION. 455B.484 FACILITY SITING.

12 1. The administrator shall identify and recommend to the  
13 commission suitable sites for locating facilities for the  
14 treatment, storage, or disposal of hazardous waste within this  
15 state. The administrator shall use site selection criteria  
16 adopted by the environmental protection commission pursuant to  
17 section 455B.422 in identifying these sites. The commission  
18 shall accept or reject the recommendation of the  
19 administrator. If the commission rejects the recommendation  
20 of the administrator, the commission shall state its reasons  
21 for rejecting the recommendation.

22 2. The commission shall adopt rules establishing criteria  
23 for the identification of sites which are suitable for the  
24 operation of low-level radioactive waste disposal facilities.  
25 The administrator shall apply these criteria, once adopted, to  
26 identify and recommend to the commission sites suitable for  
27 locating facilities for the disposal of low-level radioactive  
28 waste. The commission shall accept or reject the  
29 recommendation of the administrator. If the commission  
30 rejects the recommendation of the administrator, the  
31 commission shall state its reasons for rejecting the  
32 recommendation.

33 Sec. 8. NEW SECTION. 455B.485 FACILITY ACQUISITION AND  
34 OPERATION.

35 The commission may purchase or condemn land for facilities

1 for the management of wastes, including hazardous wastes and  
2 low-level radioactive wastes. Consideration for a contract  
3 for purchase of land shall not be in excess of funds  
4 appropriated by the general assembly for that purpose. The  
5 commission may lease land purchased under this section to any  
6 person, including the state or a state agency. The terms of a  
7 lease for land leased by the waste management authority for  
8 the purpose of hazardous or low-level radioactive waste  
9 disposal shall establish responsibility for long-term  
10 monitoring and maintenance of the site. This section  
11 authorizes the state to own or operate facilities for the  
12 management of wastes, including hazardous and low-level  
13 radioactive waste, wholly or in joint cooperation and  
14 partnership with other public and private agencies, including  
15 other states. Facilities acquired or operated pursuant to  
16 this section shall comply with applicable federal and state  
17 statutes, local ordinances, and regulations adopted by  
18 regulatory agencies to the extent required by law.

19 Facilities acquired or operated pursuant to this section  
20 may be used for regional, statewide or multistate management  
21 of wastes.

22 Facilities acquired or operated pursuant to this section  
23 shall not be used for the purpose of shallow land burial of  
24 wastes as a means of disposal.

25 Sec. 9. NEW SECTION. 455B.486 HOUSEHOLD HAZARDOUS WASTE  
26 COLLECTION AND DISPOSITION.

27 The administrator shall develop, sponsor, and assist in  
28 conducting local, regional, or statewide programs for the  
29 receipt or collection and proper management of hazardous  
30 wastes from households and farms. In conducting such events  
31 the administrator may establish limits on the types and  
32 amounts of wastes that will be collected, and may establish a  
33 fee system for acceptance of wastes in quantities exceeding  
34 the limits established pursuant to this section.

35 Sec. 10. NEW SECTION. 455B.487 WASTE MANAGEMENT

1 AUTHORITY FUND.

2 A waste management authority fund is created within the  
3 state treasury. Moneys received by the authority from fees,  
4 general revenue, federal funds, awards, wills, bequests,  
5 gifts, or other moneys designated shall be deposited in the  
6 state treasury to the credit of the fund. Any unexpended  
7 balance in the fund at the end of each fiscal year shall be  
8 retained in the fund. Any interest and earnings on  
9 investments from money in the fund shall be credited to the  
10 fund, section 453.7 notwithstanding.

11 Sec. 11. Section 455B.422, Code 1987, is amended to read  
12 as follows:

13 455B.422 ACQUISITION AND LEASE OF SITES.

14 The commission shall adopt rules establishing criteria for  
15 the identification of land areas or sites which are suitable  
16 for the operation of a treatment, disposal, or storage  
17 facility. Upon request, the department shall assist in  
18 locating suitable sites for the location of a treatment,  
19 disposal, or storage facility. The commission may purchase or  
20 condemn land to be leased for the operation of a treatment,  
21 disposal, or storage facility subject to chapter 471.

22 ~~Consideration for a contract for purchase of land shall not be~~  
23 ~~in excess of funds appropriated by the general assembly for~~  
24 ~~that purpose. The commission may lease land purchased under~~  
25 ~~this section to any person including the state or a state~~  
26 ~~agency. This section authorizes the state to own or operate~~  
27 ~~hazardous waste treatment, disposal, or storage facilities for~~  
28 ~~the treatment, disposal, and storage of hazardous wastes. The~~  
29 terms of the ~~lease~~ a lease for land leased by the waste

30 management authority for the purpose of waste management shall  
31 establish responsibility for long-term monitoring and  
32 maintenance of the site. The lessee is subject to all  
33 applicable requirements of this part including permit  
34 requirements. The commission shall require the lessee to post  
35 bond conditioned upon performance of conditions of the lease

1 relating to long-term monitoring and maintenance. The  
2 leasehold interest including improvements made to the property  
3 shall be listed, assessed, and valued as any other real  
4 property as provided by law. A facility acquired or operated  
5 pursuant-to-this-section under the purview of the waste  
6 management authority is subject to the licensing requirements  
7 of section 455B.443.

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## SENATE FILE 396

H-3694

1 Amend Senate File 396 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 8 through page 2,  
4 line 2, and inserting the following:

5 "1. A considerable volume of hazardous wastes and  
6 low-level radioactive wastes are generated from modern  
7 agricultural, industrial, medical, educational, and  
8 research activities within the state.

9 2. The protection of the health, safety, and  
10 welfare of Iowans and the protection of the  
11 environment require the proper and safe management of  
12 these wastes.

13 3. Ensuring the proper and safe management of low-  
14 level radioactive wastes and hazardous wastes is a  
15 fundamental duty of the state.

16 4. It is the obligation of the state government  
17 pursuant to the federal Low-Level Waste Management  
18 Policy Act of 1980 to provide for the proper and safe  
19 management of low-level radioactive wastes produced  
20 within its borders.

21 5. A proper and safe low-level radioactive waste  
22 and hazardous waste management program encourages  
23 public participation in all phases of the development  
24 of the waste management program, and encourages, to  
25 the greatest extent possible, the use of  
26 environmentally sound waste management practices which  
27 are alternative to land disposal including waste  
28 recycling, compaction, incineration, and other methods  
29 which reduce the amount of wastes produced.

30 6. It is the purpose of this Act to establish a  
31 state planning and management authority as a division  
32 of the department of natural resources to provide for  
33 the proper and safe management of low-level  
34 radioactive wastes and hazardous wastes produced in  
35 the state and to meet the state's obligations pursuant  
36 to the federal Low-Level Waste Management Policy Act  
37 of 1980 by:"

38 2. Page 2, line 5, by striking the word "solid,".

39 3. Page 2, line 10, by striking the word  
40 "solid,".

41 4. Page 2, line 17, by striking the word  
42 "solid,".

43 5. Page 2, by inserting after line 24 the  
44 following:

45 "Sec. \_\_\_\_ . NEW SECTION. 455B.480 WASTE  
46 MANAGEMENT POLICY.

47 The purpose of this part is to promote the proper  
48 and safe storage, treatment, and disposal of hazardous  
49 and low-level radioactive wastes in Iowa. The  
50 management of these wastes generated within Iowa is

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1 the responsibility of Iowans. It is the intent of the  
2 general assembly that Iowans assume this  
3 responsibility to the extent consistent with the  
4 protection of public health, safety, and the  
5 environment, and that Iowans insure that waste  
6 management practices, as alternatives to land  
7 disposal, including source reduction, recycling,  
8 compaction, incineration, and other forms of waste  
9 reduction, are employed.

10 It is also the intent of the general assembly that  
11 a comprehensive waste management plan be established  
12 by the waste management authority which includes: the  
13 determination of need and adequate regulatory controls  
14 prior to the initiation of site selection; the process  
15 for selecting a superior site determined to be  
16 necessary; the establishment of a process for a site  
17 community to select the operator and the technology  
18 that best ensures proper facility operation; the  
19 prohibition of shallow land burial of hazardous and  
20 low-level radioactive wastes; the establishment of a  
21 regulatory framework for a facility; and the  
22 establishment of provisions for the safe and orderly  
23 development, operation, closure, postclosure, and  
24 long-term monitoring and maintenance of the facility."

25 6. Page 2, line 29, by striking the word  
26 "solid,".

27 7. Page 3, by striking lines 11 and 12.

28 8. Page 3, lines 33 and 34, by striking the words  
29 "environmental protection division" and inserting the  
30 following: "department of natural resources".

31 9. Page 3, line 35, by striking the words "solid  
32 waste, hazardous waste," and inserting the following:  
33 "hazardous waste".

34 10. Page 4, line 15, by striking the words  
35 "environmental protection division of the".

36 11. Page 4, lines 18 and 19, by striking the  
37 words "administrator of the environmental protection  
38 division" and inserting the following: "director of  
39 the department of natural resources".

40 12. Page 4, line 21, by striking the word  
41 "ADMINISTRATOR" and inserting the following:  
42 "AUTHORITY".

43 13. Page 4, line 22, by striking the word  
44 "administrator" and inserting the following:  
45 "authority".

46 14. Page 5, by inserting after line 24, the  
47 following:

48 "10. Submit a report to the general assembly by  
49 January 1, 1988, regarding the feasibility and  
50 financial ramifications of limiting the type of waste

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accepted by a hazardous waste facility acquired or operated pursuant to this chapter."

15. Page 5, line 32, by striking the words "prepared by the administrator".

16. Page 6, line 12, by striking the word "administrator" and inserting the following: "authority".

17. Page 6, line 15, by striking the word "administrator" and inserting the following: "authority".

18. Page 6, line 17, by striking the figure "455B.422" and inserting the following: "455B.485".

19. Page 6, line 19, by striking the word "administrator" and inserting the following: "authority".

20. Page 6, line 20, by striking the word "administrator" and inserting the following: "authority".

21. Page 6, line 25, by striking the word "administrator" and inserting the following: "authority".

22. Page 6, line 29, by striking the word "administrator" and inserting the following: "authority".

23. Page 6, line 30, by striking the word "administrator" and inserting the following: "authority".

24. By striking page 6, line 35 through page 7, line 18 and inserting the following:

"The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased for the operation of a facility 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 commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee post bond or provide proof of

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1 sufficient insurance coverage, as determined by the  
2 commission to be reasonably necessary to protect the  
3 state against liabilities arising from the storage of  
4 wastes, abandonment of the facility, facility  
5 accidents, failure of the facility, or other  
6 liabilities which may arise.

7 The terms of the lease shall also require that the  
8 operator of the facility pay an annual fee to the  
9 state, as established by the commission, to cover  
10 facility monitoring costs, and shall require that the  
11 operator establish a long-term monitoring and  
12 maintenance fund in which the operator shall deposit  
13 annually an amount specified by the commission. The  
14 fund shall be used to pay closure, long-term  
15 monitoring and maintenance, and contingency costs.

16 The lease agreement shall provide for a local  
17 review and monitoring committee established by the  
18 county or municipal entity governing the jurisdiction  
19 in which the facility is located. Prior to the  
20 approval of a lease agreement the local committee  
21 shall review the application of the prospective  
22 operator and shall determine the suitability of the  
23 proposed site for the facility. The local committee  
24 may inspect the facility during operation and may make  
25 recommendations regarding the operation and closure of  
26 the facility. The commission shall establish a surtax  
27 paid by the operator of a facility to the local  
28 governmental entity, and retained by the local  
29 governmental entity in which the facility is located.  
30 The operator of the facility shall provide funding for  
31 the implementation of the duties of the local  
32 committee.

33 The lessee is subject to all applicable permit and  
34 licensing requirements. The leasehold interest,  
35 including improvements made to the property, shall be  
36 listed, assessed, and valued as any other real  
37 property as provided by law.

38 Facilities acquired or operated pursuant to this  
39 section shall comply with applicable federal and state  
40 statutes, local ordinances, and regulations adopted by  
41 regulatory agencies to the extent required by law."

42 25. Page 7, by inserting after line 18 the fol-  
43 lowing:

44 "The purchase, condemnation, or leasing of land for  
45 the management of wastes, shall be approved by the  
46 general assembly prior to the purchase, condemnation,  
47 or leasing of the land."

48 26. Page 7, by inserting after line 24 the  
49 following:

50 "An operator of a facility acquired or operated

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1 pursuant to this section shall require that a person,  
2 prior to the use of the facility, submit proof that  
3 reasonable and good faith measures have been taken to  
4 reduce the generation of waste."

5 27. Page 7, by inserting before line 25, the  
6 following:

7 "A hazardous waste facility acquired or operated  
8 pursuant to this section shall be operated in  
9 accordance with the following schedule:

10 a. The initial fee paid by a person depositing  
11 hazardous waste at the facility shall be increased by  
12 ten percent per ton upon receipt of twenty-five  
13 percent of the waste capacity of the facility.

14 b. The initial fee paid by a person depositing  
15 hazardous waste at the facility shall be increased by  
16 twenty-five percent per ton upon receipt of fifty  
17 percent of the waste capacity of the facility.

18 c. Upon receipt of fifty percent of the waste  
19 capacity of the facility, the receipt of waste shall  
20 be limited to hazardous waste generated within the  
21 state of Iowa. If an agreement has been established  
22 between the owner or operator of the hazardous waste  
23 facility and an out-of-state generator of hazardous  
24 waste, this limitation is null and void."

25 28. Page 7, line 27, by striking the word  
26 "administrator" and inserting the following:  
27 "authority".

28 29. Page 7, line 31, by striking the word  
29 "administrator" and inserting the following:  
30 "authority".

31 30. By striking page 8, line 11 through page 9,  
32 line 7 and inserting the following:

33 "Sec. \_\_\_\_\_. Section 455B.422, Code 1987, is  
34 repealed."

35 31. Title page, by striking lines 2 and 3 and in-  
36 serting the following: "within the department of  
37 natural resources, and providing for the management of  
38 hazardous and low-level radioactive wastes."

39 32. By renumbering as necessary.

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

H-3694 FILED APRIL 9, 1987

*Adopted as amended by 4601,  
4002, 4023, 4227 5/9/87 (p. 2243)*

SENATE FILE 396

H-4002

1 Amend the amendment, H-3694, to Senate File 396 as  
2 follows:

- 3 1. Page 1, line 5, by striking the words  
4 "hazardous wastes" and inserting the following:  
5 "solid wastes, hazardous wastes,".
- 6 2. Page 1, line 13, by inserting after the word  
7 "of" the following: "solid wastes,".
- 8 3. Page 1, line 14, by striking the words "radio-  
9 active wastes" and inserting the following:  
10 "radioactive wastes,".
- 11 4. Page 1, line 21, by inserting after the word  
12 "safe" the following: "solid waste,".
- 13 5. Page 1, line 21, by striking the word "waste"  
14 and inserting the following: "waste,".
- 15 6. Page 1, line 35, by inserting after the word  
16 "state" the following: ", to encourage and facilitate  
17 new solid waste management concepts and alternative  
18 disposal methods,".
- 19 7. Page 1, by striking lines 38 through 42.
- 20 8. Page 1, line 48, by striking the word  
21 "hazardous" and inserting the following: "solid,  
22 hazardous,".
- 23 9. Page 2, by striking lines 25 through 27.
- 24 10. Page 2, by striking lines 31 through 33.
- 25 11. Page 5, line 38, by striking the word  
26 "hazardous" and inserting the following: "solid,  
27 hazardous,".
- 28 12. By renumbering as necessary.

H-4002 FILED APRIL 24, 1987 BY ROSENBERG OF SENATE

*Adopted 5/9/87 (p. 2240)*

SENATE FILE 396

H-4023

1 Amend amendment, H-3694, to Senate File 396 as  
2 amended, passed and reprinted by the Senate as  
3 follows:

- 4 1. Page 2, by striking line 17 and inserting the  
5 following: "community to submit or present data,  
6 views, or arguments regarding the selection of the  
7 operator and the technology".

H-4023 FILED APRIL 27, 1987 BY ADAMS of Hamilton

*Adopted 5/9/87 (p. 2240)*

SENATE FILE 396

H-4001

- 1 Amend the amendment, H-3694, to Senate File 396 as  
2 follows:
- 3 1. Page 3, line 37, by inserting after the word  
4 "leased" the following: "or used".
  - 5 2. Page 3, line 47, by inserting after the word  
6 "lease" the following: "or contract".
  - 7 3. Page 3, line 50, by inserting after the word  
8 "lessee" the following: "or operator".
  - 9 4. Page 4, line 7, by inserting after the word  
10 "lease" the following: "or contract".
  - 11 5. Page 4, line 7, by inserting after the words  
12 "that the" the following: "lessee or".
  - 13 6. Page 4, line 10, by inserting after the word  
14 "the" the following: "lessee or".
  - 15 7. Page 4, line 12, by inserting after the word  
16 "the" the following: "lessee or".
  - 17 8. Page 4, line 16, by inserting after the word  
18 "agreement" the following: "or contract".
  - 19 9. Page 4, line 20, by inserting after the word  
20 "agreement" the following: "or contract".
  - 21 10. Page 4, line 21, by inserting after the word  
22 "prospective" the following: "lessee or".
  - 23 11. Page 4, line 27, by inserting after the words  
24 "by the" the following: "lessee or".
  - 25 12. Page 4, line 30, by inserting after the word  
26 "The" the following: "lessee or".
  - 27 13. Page 4, line 33, by inserting after the word  
28 "lessee" the following: "or operator".
  - 29 14. Page 4, line 44, by striking the words "or  
30 leasing" and inserting the following: "use, or  
31 lease".
  - 32 15. Page 4, line 47, by striking the words "or  
33 leasing" and inserting the following: "use, or  
34 lease".

H-4001 FILED APRIL 24, 1987 BY ROSENBERG of Story

*Adopted 5/9/87 (p. 2242)*

SENATE FILE 396

H-4227

1 Amend the amendment, H-3694, to Senate File 396 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 3, by inserting after line 2 the  
5 following:

6 "11. Solicit proposals from public and private  
7 agencies to conduct hazardous waste research, and to  
8 develop and implement storage, treatment, and other  
9 hazardous waste management practices including but not  
10 limited to source reduction, recycling, compaction,  
11 incineration, fuel recovery, and other alternatives to  
12 land disposal of hazardous waste. In the acceptance  
13 of a proposal, preference shall be given to Iowa  
14 agencies pursuant to chapter 72.

15 12. Conduct a comprehensive study of the current  
16 availability of hazardous waste disposal methods and  
17 sites, the current and projected generation of  
18 hazardous waste including but not limited to the types  
19 of hazardous waste generated and the sources of  
20 hazardous waste generation; alternatives to land  
21 disposal of hazardous waste including but not limited  
22 to source reduction, recycling, compaction,  
23 incineration, and fuel recovery; and integrated  
24 approaches to pollution management to ensure that the  
25 problems associated with hazardous waste do not become  
26 air or water problems; and alternative management and  
27 financing approaches for a state hazardous waste site.

28 13. a. Develop a comprehensive plan for the  
29 establishment of a small business assistance center  
30 for the safe and economic management of solid and  
31 hazardous substances. The plan for establishing the  
32 center shall be presented to the general assembly on  
33 or before January 15, 1988. The plan shall provide  
34 that the center's program include:

35 (1) The provision of information regarding the  
36 safe use and economic management of solid and  
37 hazardous substances to small businesses which  
38 generate the substances.

39 (2) The dissemination of information to public and  
40 private agencies regarding state and federal solid and  
41 hazardous substances regulations, and assistance in  
42 achieving compliance with these regulations.

43 (3) Advisement and consultation regarding the  
44 proper storage, handling, treatment, reuse, recycling,  
45 and disposal methods of solid and hazardous  
46 substances. The center shall promote alternatives to  
47 land disposal of solid and hazardous substances  
48 including but not limited to source reduction,  
49 recycling, compaction, incineration, and fuel  
50 recovery.

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1 (4) The identification of the advantages of proper  
2 substance management relative to liability and  
3 operational costs of a particular small business.

4 (5) Assistance in the providing of capital  
5 formation in order to comply with state and federal  
6 regulations.

7 b. Moneys appropriated from the oil overcharge  
8 account of the groundwater protection fund shall be  
9 used to develop the comprehensive plan for the small  
10 business assistance center for the safe and economic  
11 management of solid and hazardous substances.

12 c. In solicitation of proposals for the  
13 implementation of the comprehensive plan, the waste  
14 management authority shall give preference to  
15 cooperative proposals which incorporate and utilize  
16 the participation of the universities under the  
17 control of the state board of regents."

H-4227 FILED MAY 6, 1987

BY ROSENBERG of Story

*Adopted 5/9/87 (p. 2241)*

## SENATE FILE 396

H-4219

1 Amend the amendment, H-3694, to Senate File 396 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 3, by inserting after line 2 the  
5 following:

6 "11. Solicit proposals from public and private  
7 agencies to conduct hazardous waste research, and to  
8 develop and implement storage, treatment, and other  
9 hazardous waste management practices including but not  
10 limited to source reduction, recycling, compaction,  
11 incineration, fuel recovery, and other alternatives to  
12 land disposal of hazardous waste. In the acceptance  
13 of a proposal, preference shall be given to Iowa  
14 agencies pursuant to chapter 72.

15 12. Conduct a comprehensive study of the current  
16 availability of hazardous waste disposal methods and  
17 sites, the current and projected generation of  
18 hazardous waste including but not limited to the types  
19 of hazardous waste generated and the sources of  
20 hazardous waste generation; alternatives to land  
21 disposal of hazardous waste including but not limited  
22 to source reduction, recycling, compaction,  
23 incineration, and fuel recovery; and integrated  
24 approaches to pollution management to ensure that the  
25 problems associated with hazardous waste do not become  
26 air or water problems; and alternative management and  
27 financing approaches for a state hazardous waste  
28 site."

H-4219 FILED MAY 5, 1987

BY ROSENBERG of Story

*11/5 5/9/87 (p. 2240)*

HOUSE AMENDMENT TO  
SENATE FILE 396

-4093

1 Amend Senate File 396 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 8 through page 2,  
4 line 2, and inserting the following:

5 "1. A considerable volume of solid wastes,  
6 hazardous wastes, and low-level radioactive wastes are  
7 generated from modern agricultural, industrial,  
8 medical, educational, and research activities within  
9 the state.

10 2. The protection of the health, safety, and  
11 welfare of Iowans and the protection of the  
12 environment require the proper and safe management of  
13 these wastes.

14 3. Ensuring the proper and safe management of  
15 solid wastes, low-level radioactive wastes, and  
16 hazardous wastes is a fundamental duty of the state.

17 4. It is the obligation of the state government  
18 pursuant to the federal Low-Level Waste Management  
19 Policy Act of 1980 to provide for the proper and safe  
20 management of low-level radioactive wastes produced  
21 within its borders.

22 5. A proper and safe solid waste, low-level  
23 radioactive waste, and hazardous waste management  
24 program encourages public participation in all phases  
25 of the development of the waste management program,  
26 and encourages, to the greatest extent possible, the  
27 use of environmentally sound waste management  
28 practices which are alternative to land disposal  
29 including waste recycling, compaction, incineration,  
30 and other methods which reduce the amount of wastes  
31 produced.

32 6. It is the purpose of this Act to establish a  
33 state planning and management authority as a division  
34 of the department of natural resources to provide for  
35 the proper and safe management of low-level  
36 radioactive wastes and hazardous wastes produced in  
37 the state, to encourage and facilitate new solid waste  
38 management concepts and alternative disposal methods,  
39 and to meet the state's obligations pursuant to the  
40 federal Low-Level Waste Management Policy Act of 1980  
41 by:"

42 2. Page 2, by inserting after line 24 the  
43 following:

44 "Sec. \_\_\_\_ . NEW SECTION. 455B.480 WASTE  
45 MANAGEMENT POLICY.

46 The purpose of this part is to promote the proper  
47 and safe storage, treatment, and disposal of solid,  
48 hazardous, and low-level radioactive wastes in Iowa.  
49 The management of these wastes generated within Iowa  
50 is the responsibility of Iowans. It is the intent of

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1 the general assembly that Iowans assume this  
2 responsibility to the extent consistent with the  
3 protection of public health, safety, and the  
4 environment, and that Iowans insure that waste  
5 management practices, as alternatives to land  
6 disposal, including source reduction, recycling,  
7 compaction, incineration, and other forms of waste  
8 reduction, are employed.

9 It is also the intent of the general assembly that  
10 a comprehensive waste management plan be established  
11 by the waste management authority which includes: the  
12 determination of need and adequate regulatory controls  
13 prior to the initiation of site selection; the process  
14 for selecting a superior site determined to be  
15 necessary; the establishment of a process for a site  
16 community to submit or present data, views, or  
17 arguments regarding the selection of the operator and  
18 the technology that best ensures proper facility  
19 operation; the prohibition of shallow land burial of  
20 hazardous and low-level radioactive wastes; the  
21 establishment of a regulatory framework for a  
22 facility; and the establishment of provisions for the  
23 safe and orderly development, operation, closure,  
24 postclosure, and long-term monitoring and maintenance  
25 of the facility."

26 3. Page 3, lines 33 and 34, by striking the words  
27 "environmental protection division" and inserting the  
28 following: "department of natural resources".

29 4. Page 4, line 15, by striking the words  
30 "environmental protection division of the".

31 5. Page 4, lines 18 and 19, by striking the words  
32 "administrator of the environmental protection  
33 division" and inserting the following: "director of  
34 the department of natural resources".

35 6. Page 4, line 21, by striking the word  
36 "ADMINISTRATOR" and inserting the following:  
37 "AUTHORITY".

38 7. Page 4, line 22, by striking the word  
39 "administrator" and inserting the following:  
40 "authority".

41 8. Page 5, by inserting after line 24, the  
42 following:

43 "10. Submit a report to the general assembly by  
44 January 1, 1988, regarding the feasibility and  
45 financial ramifications of limiting the type of waste  
46 accepted by a hazardous waste facility acquired or  
47 operated pursuant to this chapter."

48 11. Solicit proposals from public and private  
49 agencies to conduct hazardous waste research, and to  
50 develop and implement storage, treatment, and other

1 hazardous waste management practices including but not  
2 limited to source reduction, recycling, compaction,  
3 incineration, fuel recovery, and other alternatives to  
4 land disposal of hazardous waste. In the acceptance  
5 of a proposal, preference shall be given to Iowa  
6 agencies pursuant to chapter 72.

7 12. Conduct a comprehensive study of the current  
8 availability of hazardous waste disposal methods and  
9 sites, the current and projected generation of  
10 hazardous waste including but not limited to the types  
11 of hazardous waste generated and the sources of  
12 hazardous waste generation; alternatives to land  
13 disposal of hazardous waste including but not limited  
14 to source reduction, recycling, compaction,  
15 incineration, and fuel recovery; and integrated  
16 approaches to pollution management to ensure that the  
17 problems associated with hazardous waste do not become  
18 air or water problems; and alternative management and  
19 financing approaches for a state hazardous waste site.

20 13. a. Develop a comprehensive plan for the  
21 establishment of a small business assistance center  
22 for the safe and economic management of solid and  
23 hazardous substances. The plan for establishing the  
24 center shall be presented to the general assembly on  
25 or before January 15, 1988. The plan shall provide  
26 that the center's program include:

27 (1) The provision of information regarding the  
28 safe use and economic management of solid and  
29 hazardous substances to small businesses which  
30 generate the substances.

31 (2) The dissemination of information to public and  
32 private agencies regarding state and federal solid and  
33 hazardous substances regulations, and assistance in  
34 achieving compliance with these regulations.

35 (3) Advisement and consultation regarding the  
36 proper storage, handling, treatment, reuse, recycling,  
37 and disposal methods of solid and hazardous  
38 substances. The center shall promote alternatives to  
39 land disposal of solid and hazardous substances  
40 including but not limited to source reduction,  
41 recycling, compaction, incineration, and fuel  
42 recovery.

43 (4) The identification of the advantages of proper  
44 substance management relative to liability and  
45 operational costs of a particular small business.

46 (5) Assistance in the providing of capital  
47 formation in order to comply with state and federal  
48 regulations.

49 b. Moneys appropriated from the oil overcharge  
50 account of the groundwater protection fund shall be

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1 used to develop the comprehensive plan for the small  
2 business assistance center for the safe and economic  
3 management of solid and hazardous substances.

4 c. In solicitation of proposals for the  
5 implementation of the comprehensive plan, the waste  
6 management authority shall give preference to  
7 cooperative proposals which incorporate and utilize  
8 the participation of the universities under the  
9 control of the state board of regents.

10 9. Page 5, line 32, by striking the words  
11 "prepared by the administrator".

12 10. Page 6, line 12, by striking the word  
13 "administrator" and inserting the following:  
14 "authority".

15 11. Page 6, line 15, by striking the word  
16 "administrator" and inserting the following:  
17 "authority".

18 12. Page 6, line 17, by striking the figure  
19 "455B.422" and inserting the following: "455B.485".

20 13. Page 6, line 19, by striking the word  
21 "administrator" and inserting the following:  
22 "authority".

23 14. Page 6, line 20, by striking the word  
24 "administrator" and inserting the following:  
25 "authority".

26 15. Page 6, line 25, by striking the word  
27 "administrator" and inserting the following:  
28 "authority".

29 16. Page 6, line 29, by striking the word  
30 "administrator" and inserting the following:  
31 "authority".

32 17. Page 6, line 30, by striking the word  
33 "administrator" and inserting the following:  
34 "authority".

35 18. By striking page 6, line 35 through page 7,  
36 line 18 and inserting the following:

37 "The commission shall adopt rules establishing  
38 criteria for the identification of land areas or sites  
39 which are suitable for the operation of facilities for  
40 the management of hazardous and low-level radioactive  
41 wastes. Upon request, the department shall assist in  
42 locating suitable sites for the location of a  
43 facility. The commission may purchase or condemn land  
44 to be leased or used for the operation of a facility  
45 subject to chapter 471. Consideration for a contract  
46 for purchase of land shall not be in excess of funds  
47 appropriated by the general assembly for that purpose.  
48 The commission may lease land purchased under this  
49 section to any person including the state or a state  
50 agency. This section authorizes the state to own or

1 operate hazardous waste facilities and low-level  
2 radioactive waste facilities, subject to the approval  
3 of the general assembly.

4 The terms of the lease or contract shall establish  
5 responsibility for long-term monitoring and  
6 maintenance of the site. The commission shall require  
7 that the lessee or operator post bond or provide proof  
8 of sufficient insurance coverage, as determined by the  
9 commission to be reasonably necessary to protect the  
10 state against liabilities arising from the storage of  
11 wastes, abandonment of the facility, facility  
12 accidents, failure of the facility, or other  
13 liabilities which may arise.

14 The terms of the lease or contract shall also  
15 require that the lessee or operator of the facility  
16 pay an annual fee to the state, as established by the  
17 commission, to cover facility monitoring costs, and  
18 shall require that the lessee or operator establish a  
19 long-term monitoring and maintenance fund in which the  
20 lessee or operator shall deposit annually an amount  
21 specified by the commission. The fund shall be used  
22 to pay closure, long-term monitoring and maintenance,  
23 and contingency costs.

24 The lease agreement or contract shall provide for a  
25 local review and monitoring committee established by  
26 the county or municipal entity governing the  
27 jurisdiction in which the facility is located. Prior  
28 to the approval of a lease agreement or contract the  
29 local committee shall review the application of the  
30 prospective lessee or operator and shall determine the  
31 suitability of the proposed site for the facility.  
32 The local committee may inspect the facility during  
33 operation and may make recommendations regarding the  
34 operation and closure of the facility. The commission  
35 shall establish a surtax paid by the lessee or  
36 operator of a facility to the local governmental  
37 entity, and retained by the local governmental entity  
38 in which the facility is located. The lessee or  
39 operator of the facility shall provide funding for the  
40 implementation of the duties of the local committee.

41 The lessee or operator is subject to all applicable  
42 permit and licensing requirements. The leasehold  
43 interest, including improvements made to the property,  
44 shall be listed, assessed, and valued as any other  
45 real property as provided by law.

46 Facilities acquired or operated pursuant to this  
47 section shall comply with applicable federal and state  
48 statutes, local ordinances, and regulations adopted by  
49 regulatory agencies to the extent required by law."

50 19. Page 7, by inserting after line 18 the fol-

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1 lowing:

2 "The purchase, condemnation, use, or lease of land  
3 for the management of wastes, shall be approved by the  
4 general assembly prior to the purchase, condemnation,  
5 use, or lease of the land."

6 20. Page 7, by inserting after line 24 the  
7 following:

8 "An operator of a facility acquired or operated  
9 pursuant to this section shall require that a person,  
10 prior to the use of the facility, submit proof that  
11 reasonable and good faith measures have been taken to  
12 reduce the generation of waste."

13 21. Page 7, by inserting before line 25, the  
14 following:

15 "A hazardous waste facility acquired or operated  
16 pursuant to this section shall be operated in  
17 accordance with the following schedule:

18 a. The initial fee paid by a person depositing  
19 hazardous waste at the facility shall be increased by  
20 ten percent per ton upon receipt of twenty-five  
21 percent of the waste capacity of the facility.

22 b. The initial fee paid by a person depositing  
23 hazardous waste at the facility shall be increased by  
24 twenty-five percent per ton upon receipt of fifty  
25 percent of the waste capacity of the facility.

26 c. Upon receipt of fifty percent of the waste  
27 capacity of the facility, the receipt of waste shall  
28 be limited to hazardous waste generated within the  
29 state of Iowa. If an agreement has been established  
30 between the owner or operator of the hazardous waste  
31 facility and an out-of-state generator of hazardous  
32 waste, this limitation is null and void."

33 22. Page 7, line 27, by striking the word  
34 "administrator" and inserting the following:  
35 "authority".

36 23. Page 7, line 31, by striking the word  
37 "administrator" and inserting the following:  
38 "authority".

39 24. By striking page 8, line 11 through page 9,  
40 line 7 and inserting the following:

41 "Sec. \_\_\_\_ . Section 455B.422, Code 1987, is  
42 repealed."

43 25. Title page, by striking lines 2 and 3 and in-  
44 serting the following: "within the department of  
45 natural resources, and providing for the management of  
46 solid, hazardous, and low-level radioactive wastes."

47 26. By renumbering as necessary.

S-4093

Filed May 9, 1987

*Senate concurred 5/9/87 (p. 1762)*

RECEIVED FROM THE HOUSE

STATE OF IOWA  
**FISCAL NOTE** TO  
 SENATE FILE 396

LSB No. 2319S  
 Staff ID. RLB

D. BY SENATOR DELUHERY

In compliance with a written request received March 16, 1987, a fiscal note for **SENATE FILE 396** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

SENATE FILE 396 establishes a Waste Management Authority within the Environmental Protection Division of the Department of Natural Resources. The Waste Management Authority is directed to review and recommend legislation for waste management, coordinate waste management data collection and dissemination and public education, and identify sites for hazardous waste facilities and low-level radioactive waste disposal-facilities. In addition, the Authority may sponsor and assist in household hazardous waste collection and disposition. A Waste Management Authority Fund is created to provide moneys for the activities of the Authority.

FISCAL EFFECT

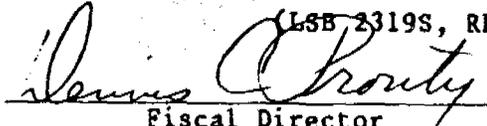
Senate File 396 does not include an appropriation to the Waste Management Authority Fund nor specify any fees for deposit in the Fund.

The Department of Natural Resources estimates that the Waste Management Authority would have administrative expenses of \$250,000, including \$100,000 in salaries for 3 FTE, \$10,000 in support costs, and \$140,000 for other services. The estimate for other services includes contracts for household hazardous waste collection and disposal and funding for a feasibility study of public/private partnerships in hazardous waste facilities.

(dollars in thousands)

|                           | Fiscal Year 1988 |                |                     | Fiscal Year 1989 |                |                     |
|---------------------------|------------------|----------------|---------------------|------------------|----------------|---------------------|
|                           | Current Law      | Proposed Law   | Increase (Decrease) | Current Law      | Proposed Law   | Increase (Decrease) |
| <u>REVENUE</u>            |                  |                |                     |                  |                |                     |
| Waste Mngmt Auth. Fund \$ | 0                | 0              | 0                   | 0                | 0              | 0                   |
| <u>EXPENDITURES</u>       |                  |                |                     |                  |                |                     |
| Salaries (FTE's)          | \$ 0 ( 0.0)      | \$ 100 ( 3.0)  | \$ 100 ( 3.0)       | \$ 0 ( 0.0)      | \$ 100 ( 3.0)  | \$ 100 ( 3.0)       |
| Support                   | 0                | 10             | 10                  | 0                | 10             | 10                  |
| Other                     | 0                | 140            | 140                 | 0                | 140            | 140                 |
| Total                     | \$ 0             | \$ 250         | \$ 250              | \$ 0             | \$ 250         | \$ 250              |
| <b>NET EFFECT</b>         | <b>\$ 0</b>      | <b>\$ -250</b> | <b>\$ -250</b>      | <b>\$ 0</b>      | <b>\$ -250</b> | <b>\$ -250</b>      |

SOURCE: Department of Natural Resources

(LSB 2319S, RLB)  
  
 Fiscal Director  
 Legislative Fiscal Bureau  
 Date: 3/31/87

SENATE FILE 396

AN ACT

RELATING TO THE CREATION OF A WASTE MANAGEMENT AUTHORITY  
WITHIN THE DEPARTMENT OF NATURAL RESOURCES, AND PROVIDING  
FOR THE MANAGEMENT OF SOLID, HAZARDOUS, AND LOW-LEVEL  
RADIOACTIVE WASTES.

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

PART 9

WASTE MANAGEMENT AUTHORITY

Section 1. NEW SECTION. 455B.479 SHORT TITLE.

This part may be cited as the "Waste Management Authority  
Act".

Sec. 2. LEGISLATIVE FINDINGS AND PURPOSE.

The general assembly finds as follows:

1. A considerable volume of solid wastes, hazardous wastes, and low-level radioactive wastes are generated from modern agricultural, industrial, medical, educational, and research activities within the state.
2. The protection of the health, safety, and welfare of Iowans and the protection of the environment require the proper and safe management of these wastes.
3. Ensuring the proper and safe management of solid wastes, low-level radioactive wastes, and hazardous wastes is a fundamental duty of the state.
4. It is the obligation of the state government pursuant to the federal Low-Level Waste Management Policy Act of 1980 to provide for the proper and safe management of low-level radioactive wastes produced within its borders.
5. A proper and safe solid waste, low-level radioactive waste, and hazardous waste management program encourages public participation in all phases of the development of the waste management program, and encourages, to the greatest

extent possible, the use of environmentally sound waste management practices which are alternatives to land disposal including waste recycling, compaction, incineration, and other methods which reduce the amount of wastes produced.

6. It is the purpose of this Act to establish a state planning and management authority as a division of the department of natural resources to provide for the proper and safe management of low-level radioactive wastes and hazardous wastes produced in the state, to encourage and facilitate new solid waste management concepts and alternative disposal methods, and to meet the state's obligations pursuant to the federal Low-Level Waste Management Policy Act of 1980 by:

- a. Authorizing the state to encourage, promote, sponsor, and support the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated within this state.
- b. Authorizing the state to cooperate with local units of government, governments of other states, the government of the United States, and other persons to make provisions for the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated in this state. Cooperative efforts may include provisions for regional and multistate management of wastes generated in this state or in other states.
- c. Authorizing the state to acquire property, construct, own, and operate facilities within the state to be used for the proper and safe management and disposition of solid, toxic, hazardous, and low-level radioactive wastes generated within this state. These activities may be conducted in joint cooperation with local units of government, the governments of other states, the government of the United States, or other persons. Any facilities acquired, owned or operated by the state of Iowa under this part may be used for regional or multistate management and disposition of these wastes.

Sec. 3. NEW SECTION. 455B.480 WASTE MANAGEMENT POLICY.

The purpose of this part is to promote the proper and safe storage, treatment, and disposal of solid, hazardous, and low-

level radioactive wastes in Iowa. The management of these wastes generated within Iowa is the responsibility of Iowans. It is the intent of the general assembly that Iowans assume this responsibility to the extent consistent with the protection of public health, safety, and the environment, and that Iowans insure that waste management practices, as alternatives to land disposal, including source reduction, recycling, compaction, incineration, and other forms of waste reduction, are employed.

It is also the intent of the general assembly that a comprehensive waste management plan be established by the waste management authority which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.

Sec. 4. NEW SECTION. 455B.481 DEFINITIONS.

As used in this part unless the context otherwise requires:

1. "Facilities" means land and improvements on land, buildings and other structures, and other appurtenances used for the management of solid, toxic, hazardous, or low-level radioactive wastes, including but not limited to waste collection sites, waste transfer stations, waste reclamation and recycling centers, waste processing centers, waste treatment centers, waste storage sites, waste reduction and compaction centers, waste incineration centers, waste detoxification centers, and waste disposal sites.

2. "Hazardous waste" means hazardous waste as defined in section 455B.411, subsection 4, and under section 455B.464.

3. "Low-level radioactive waste" means low-level radioactive waste as defined in section 8C.1, article II, paragraph "i", and as defined in the federal Low-Level Radioactive Waste Policy Amendments Act, 42 U.S.C. § 2021.

4. "Management of waste" means the storage, transportation, treatment, or disposal of waste.

5. "Person" means person as defined in section 4.1.

6. "Site" means the geographic location of a facility.

7. "Solid waste" means solid waste as defined in section 455B.301, subsection 5.

8. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

9. "Storage" means the temporary holding of waste for treatment or disposal.

10. "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

11. "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

12. "Regulatory agency" means a federal, state, or local agency that issues a license or permit required for the siting, construction, operation, or maintenance of a facility pursuant to federal or state statute or rule, or local ordinance or resolution.

13. "Waste management authority" means the waste management authority established within the department of natural resources.

14. "Waste" means solid waste, hazardous waste, and low-level radioactive waste as defined in this section.

15. "Long-term monitoring and maintenance" means the continued observation and care of a facility after closure in order to ensure that the site poses no threat to the public.

health, the groundwater, and the environment. In the case of a low-level radioactive waste facility, the time period constituting "long-term" is the number of years of monitoring and maintenance based upon the half-life properties of the wastes, and in the case of a hazardous waste facility is the number of years based upon the projected active toxicity of the waste.

Sec. 5. NEW SECTION. 455B.482 WASTE MANAGEMENT AUTHORITY CREATED.

A waste management authority is created within the department of natural resources for the purpose of carrying out the provisions of this part. The waste management authority is under the immediate direction and supervision of the director of the department of natural resources.

Sec. 6. NEW SECTION. 455B.483 DUTIES OF THE AUTHORITY.

The authority shall:

1. Recommend to the commission the adoption of rules necessary to implement this part.
2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management authority trust fund to be used for programs relating to the duties of the division under this part.
3. Administer and coordinate the waste management trust fund created under this part.
4. Enter into contracts and agreements, with the approval of the commission for contracts in excess of twenty-five thousand dollars, with local units of government, other state agencies, governments of other states, governmental agencies of the United States, other public and private contractors, and other persons as may be necessary or beneficial in carrying out its duties under this part.
5. Represent the state in all matters pertaining to plans, procedures, negotiations, and agreements for interstate compacts or public/private compacts relating to the ownership, operation, management, or funding of a facility. Any agreement is subject to the approval of the commission.

6. Review, propose, and recommend legislation relating to the proper and safe management of waste.

7. Establish a central repository and information clearinghouse within the state for the collection and dissemination of data and information pertaining to the proper and safe management of waste.

8. Develop, sponsor, and assist in the implementation of public education and information programs on proper and safe management of waste in cooperation with other public and private agencies as deemed appropriate.

9. Include in the annual report to the governor and the general assembly required by section 455A.4, subsection 1, paragraph "d", information outlining the activities of the authority in carrying out programs and responsibilities under this part, and identifying trends and developments in the management of waste.

10. Submit a report to the general assembly by January 1, 1988, regarding the feasibility and financial ramifications of limiting the type of waste accepted by a hazardous waste facility acquired or operated pursuant to this chapter.

11. Solicit proposals from public and private agencies to conduct hazardous waste research, and to develop and implement storage, treatment, and other hazardous waste management practices including but not limited to source reduction, recycling, compaction, incineration, fuel recovery, and other alternatives to land disposal of hazardous waste. In the acceptance of a proposal, preference shall be given to Iowa agencies pursuant to chapter 73.

12. Conduct a comprehensive study of the current availability of hazardous waste disposal methods and sites, the current and projected generation of hazardous waste including but not limited to the types of hazardous waste generated and the sources of hazardous waste generation; alternatives to land disposal of hazardous waste including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery; and integrated approaches to pollution management to ensure that the problems associated

with hazardous waste do not become air or water problems; and alternative management and financing approaches for a state hazardous waste site.

13. a. Develop a comprehensive plan for the establishment of a small business assistance center for the safe and economic management of solid and hazardous substances. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The plan shall provide that the center's program include:

(1) The provision of information regarding the safe use and economic management of solid and hazardous substances to small businesses which generate the substances.

(2) The dissemination of information to public and private agencies regarding state and federal solid and hazardous substances regulations, and assistance in achieving compliance with these regulations.

(3) Advisement and consultation regarding the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid and hazardous substances. The center shall promote alternatives to land disposal of solid and hazardous substances including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery.

(4) The identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

(5) Assistance in the providing of capital formation in order to comply with state and federal regulations.

b. Moneys appropriated from the oil overcharge account of the groundwater protection fund shall be used to develop the comprehensive plan for the small business assistance center for the safe and economic management of solid and hazardous substances.

c. In solicitation of proposals for the implementation of the comprehensive plan, the waste management authority shall give preference to cooperative proposals which incorporate and utilize the participation of the universities under the control of the state board of regents.

Sec. 7. NEW SECTION. 455B.484 POWERS AND DUTIES OF THE COMMISSION.

The commission shall:

1. Establish policy for the implementation of this part.

2. Adopt, modify, or repeal rules necessary to implement this part pursuant to chapter 17A.

3. Approve the budget request for the waste management authority prior to submission to the department of management. The commission may increase, decrease, or strike any proposed expenditure within the waste management authority budget request before granting approval.

4. Recommend legislative action which may be required for the safe and proper management of waste, for the acquisition or operation of a facility, for the funding of a facility, to enter into interstate agreements for the management of a facility, and to improve the operation of the waste management authority.

5. Approve all contracts and agreements, in excess of twenty-five thousand dollars, under this part between the waste management authority and other public or private persons or agencies.

Sec. 8. NEW SECTION. 455B.485 FACILITY SITING.

1. The authority shall identify and recommend to the commission suitable sites for locating facilities for the treatment, storage, or disposal of hazardous waste within this state. The authority shall use site selection criteria adopted by the environmental protection commission pursuant to section 455B.486 in identifying these sites. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

2. The commission shall adopt rules establishing criteria for the identification of sites which are suitable for the operation of low-level radioactive waste disposal facilities. The authority shall apply these criteria, once adopted, to identify and recommend to the commission sites suitable for

locating facilities for the disposal of low-level radioactive waste. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

Sec. 9. NEW SECTION. 455B.486 FACILITY ACQUISITION AND OPERATION.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility 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 commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

The terms of the lease or contract shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee or operator post bond or provide proof of sufficient insurance coverage, as determined by the commission to be reasonably necessary to protect the state against liabilities arising from the storage of wastes, abandonment of the facility, facility accidents, failure of the facility, or other liabilities which may arise.

The terms of the lease or contract shall also require that the lessee or operator of the facility pay an annual fee to the state, as established by the commission, to cover facility monitoring costs, and shall require that the lessee or operator establish a long-term monitoring and maintenance fund in which the lessee or operator shall deposit annually an

amount specified by the commission. The fund shall be used to pay closure, long-term monitoring and maintenance, and contingency costs.

The lease agreement or contract shall provide for a local review and monitoring committee established by the county or municipal entity governing the jurisdiction in which the facility is located. Prior to the approval of a lease agreement or contract the local committee shall review the application of the prospective lessee or operator and shall determine the suitability of the proposed site for the facility. The local committee may inspect the facility during operation and may make recommendations regarding the operation and closure of the facility. The commission shall establish a surtax paid by the lessee or operator of a facility to the local governmental entity, and retained by the local governmental entity in which the facility is located. The lessee or operator of the facility shall provide funding for the implementation of the duties of the local committee.

The lessee or operator is subject to all applicable permit and licensing requirements. The leasehold interest, including improvements made to the property, shall be listed, assessed, and valued as any other real property as provided by law.

Facilities acquired or operated pursuant to this section shall comply with applicable federal and state statutes, local ordinances, and regulations adopted by regulatory agencies to the extent required by law.

The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.

Facilities acquired or operated pursuant to this section may be used for regional, statewide or multistate management of wastes.

Facilities acquired or operated pursuant to this section shall not be used for the purpose of shallow land burial of wastes as a means of disposal.

An operator of a facility acquired or operated pursuant to this section shall require that a person, prior to the use of the facility, submit proof that reasonable and good faith measures have been taken to reduce the generation of waste.

A hazardous waste facility acquired or operated pursuant to this section shall be operated in accordance with the following schedule:

a. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by ten percent per ton upon receipt of twenty-five percent of the waste capacity of the facility.

b. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by twenty-five percent per ton upon receipt of fifty percent of the waste capacity of the facility.

c. Upon receipt of fifty percent of the waste capacity of the facility, the receipt of waste shall be limited to hazardous waste generated within the state of Iowa. If an agreement has been established between the owner or operator of the hazardous waste facility and an out-of-state generator of hazardous waste, this limitation is null and void.

Sec. 10. NEW SECTION. 455B.487 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSITION.

The authority shall develop, sponsor, and assist in conducting local, regional, or statewide programs for the receipt or collection and proper management of hazardous wastes from households and farms. In conducting such events the authority may establish limits on the types and amounts of wastes that will be collected, and may establish a fee system for acceptance of wastes in quantities exceeding the limits established pursuant to this section.

Sec. 11. NEW SECTION. 455B.488 WASTE MANAGEMENT AUTHORITY FUND.

A waste management authority fund is created within the state treasury. Moneys received by the authority from fees, general revenue, federal funds, awards, wills, bequests, gifts, or other moneys designated shall be deposited in the

state treasury to the credit of the fund. Any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Any interest and earnings on investments from money in the fund shall be credited to the fund, section 453.7 notwithstanding.

Sec. 12. Section 455B.422, Code 1987, is repealed.

.....  
JC ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 396, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved June 2, 1987

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TERRY E. BRANSTAD  
Governor