

FILED JAN 21 1988

Bill 2 for 2068 SF (Peterson)

SENATE FILE

2068

BY PETERSON

Passed Senate, Date 2/7/88 (y 46) Passed House, Date _____

Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to require a public hearing before the issuance of a
2 permit to construct and operate a sanitary disposal project.

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

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SF 2068

1 Section 1. Section 455B.305, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 7. Before issuing a permit to construct
4 and operate a sanitary disposal project, the department or, if
5 the permit is issued by a local board of health, the local
6 board of health shall conduct a public hearing on the permit
7 application. The hearing shall be held in the area to be
8 served by the sanitary disposal project. A local board of
9 health shall conduct the hearing in compliance with the notice
10 and procedures required for a public hearing on local rules
11 and regulations as provided in section 137.6, subsection 2.

12 EXPLANATION

13 This bill requires that the department of natural resources
14 or, if a local board of health issues the permit, the local
15 board of health shall hold a public hearing on a permit
16 application for the construction and operation of a sanitary
17 disposal project. A local board of health shall conduct the
18 hearing in compliance with the notice and procedures required
19 for a public hearing on local rules and regulations as
20 provided in chapter 137.

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SENATE FILE 2068

S-5035

- 1 Amend Senate File 2068 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "disposal project" and inserting the following:
- 4 "landfill".
- 5 2. Page 1, line 8, by striking the words
- 6 "disposal project" and inserting the following:
- 7 "landfill".
- 8 3. Title page, line 2, by striking the words
- 9 "disposal project" and inserting the following:
- 10 "landfill".

S-5035

Filed February 4, 1988

Adopted 3/7/88 (p. 661)

BY COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

SENATE FILE 2068

S-5055

- 1 Amend Senate File 2068 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "application." the following: "However, a public
- 4 hearing is not required for a permit application if a
- 5 public hearing was held under chapter 358A or chapter
- 6 414."

S-5055

Filed February 9, 1988

Adopted 3/7/88 (p. 662)

BY JACK W. HESTER

SENATE FILE 2068

S-5092

- 1 Amend Senate File 2068 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "a" the following: "public".
- 4 2. Page 1, line 8, by inserting after the word
- 5 "the" the following: "public".

S-5092

Filed February 18, 1988

Adopted 3/7/88 (p. 663)

BY COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

*The Energy 3/9
In Case 2068 (p. 1022)*

SENATE FILE 2068
BY PETERSON

(AS AMENDED AND PASSED BY THE SENATE MARCH 7, 1988)
_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date 4/1/88 (p. 1270)
Vote: Ayes _____ Nays _____ Vote: Ayes 90 Nays 1
Approved _____

A BILL FOR

1 An Act to require a public hearing before the issuance of a
2 permit to construct and operate a sanitary landfill.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2068

H-6185

1 Amend Senate File 2068 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 "A new sanitary landfill which receives municipal
6 or industrial waste from outside of the county in
7 which the sanitary landfill is located shall not be
8 issued a permit for the construction and operation of
9 a sanitary landfill until the department of natural
10 resources has adopted rules, pursuant to chapter 17A,
11 regarding the comprehensive plans required pursuant to
12 section 455B.306 and until the new sanitary landfill
13 is in compliance with the rules adopted."

By SHOULTZ of Black Hawk

H-6185 FILED APRIL 4, 1988

As amended (p. 1270)

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1 Section 1. Section 455B.305, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 7. Before issuing a permit to construct
4 and operate a public sanitary landfill, the department or, if
5 the permit is issued by a local board of health, the local
6 board of health shall conduct a public hearing on the permit
7 application. However, a public hearing is not required for a
8 permit application if a public hearing was held under chapter
9 358A or chapter 414. The hearing shall be held in the area to
10 be served by the public sanitary landfill. A local board of
11 health shall conduct the hearing in compliance with the notice
12 and procedures required for a public hearing on local rules
13 and regulations as provided in section 137.6, subsection 2.

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SENATE FILE 2068

H-6095

1 Amend Senate File 2068, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON
6 SANITARY LANDFILL SERVICE AREA.

7 A city, county, or private agency operating a
8 sanitary landfill permitted under this part shall not
9 provide sanitary landfill service to the residents of
10 more than eight counties. The director shall revoke
11 the permit of any sanitary landfill operating in
12 violation of this section.

13 Sec. 2. Section 2 of this Act applies
14 retroactively to any permit issued on or after January
15 1, 1988, for the construction or operation of a
16 sanitary landfill.

17 Sec. 3. This Act, being deemed of immediate
18 importance, takes effect upon enactment."

19 2. Title page, by striking lines 1 and 2 and
20 inserting the following: "An Act relating to sanitary
21 landfills by requiring a public hearing before
22 issuance of a permit to construct and operate a
23 sanitary landfill, by restricting the service area of
24 a sanitary landfill, by providing for retroactive
25 applicability, and by providing an effective date."

H-6095 FILED MARCH 30, 1988 BY BLACK of Jasper

Adopted 4/4 (of 1988)

SENATE FILE 2068

H-6154

1 Amend Senate File 2068 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "public".

4 2. Page 1, line 4, by inserting after the word
5 "landfill" the following: "which receives municipal
6 or industrial waste".

7 3. Page 1, line 6, by striking the words "conduct
8 a" and inserting the following: "provide for public
9 notice and the opportunity for".

10 4. Page 1, line 10, by striking the word
11 "public".

By SHOULTZ of Black Hawk
PETERSEN of Muscatine

H-6154 FILED MARCH 31, 1988

Adopted 4/4 (of 1988)

HOUSE AMENDMENT TO
SENATE FILE 2068

5801

1 Amend Senate File 2068 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "public".

4 2. Page 1, line 4, by inserting after the word
5 "landfill" the following: "which receives municipal
6 or industrial waste".

7 3. Page 1, line 6, by striking the words "conduct
8 a" and inserting the following: "provide for public
9 notice and the opportunity for".

10 4. Page 1, line 10, by striking the word
11 "public".

12 5. Page 1, by inserting after line 13, the
13 following:

14 "A new sanitary landfill which receives municipal
15 or industrial waste from outside of the county in
16 which the sanitary landfill is located shall not be
17 issued a permit for the construction and operation of
18 a sanitary landfill until the department of natural
19 resources has adopted rules, pursuant to chapter 17A,
20 regarding the comprehensive plans required pursuant to
21 section 455B.306 and until the new sanitary landfill
22 is in compliance with the rules adopted."

23 6. By renumbering, relettering, or redesignating
and correcting internal references as necessary.

S-5801

Filed April 6, 1988

*Senate amendment (5801, 5877) ✓
Concurred 4/12 (p. 1444)*

RECEIVED FROM THE HOUSE

SENATE FILE 2068

S-5873

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 22, by inserting after the word
5 "adopted." the following: "The provisions of this
6 paragraph shall not prevent the issuance of a permit
7 to a new sanitary landfill if the landfill is under
8 consideration for a permit on or before July 1, 1988."

S-5873

Filed April 6, 1988

4/12 4/11 (p. 1402)

BY PATRICK J. DELIVERY

SENATE FILE 2068

S-5851

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 22 and inserting the
5 following: "is in compliance with the rules adopted.

6 Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON
7 SANITARY LANDFILL SERVICE AREA.

8 A city, county, or private agency operating a
9 sanitary landfill permitted under this part shall not
10 provide sanitary landfill service to the residents of
11 more than eight counties. The director shall revoke
12 the permit of any sanitary landfill operating in
13 violation of this section.

14 Sec. 3. Section 2 of this Act applies
15 retroactively to any permit issued on or after January
16 1, 1988, for the construction or operation of a
17 sanitary landfill.

18 Sec. 4. This Act, being deemed of immediate
19 importance, takes effect upon enactment."

20 2. Page 1, by inserting after line 24 the
21 following:

22 " . Title page, by striking lines 1 and 2 and
23 inserting the following: "An Act relating to the
24 construction and operation of sanitary landfills,
25 providing for retroactive applicability, and providing
26 an effective date.""

S-5851

Filed April 7, 1988

Adopted 4/12 (p. 144-)

BY JOHN A. PETERSON

SENATE FILE 2068

S-5877

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 6.

5 2. Page 1, by striking lines 10 and 11.

6 3. Page 1, lines 14 and 15, by striking the words
7 "municipal or industrial" and inserting the following:
8 "solid".

S-5877

Filed April 8, 1988

Adopted 4/11 (p. 142-)

BY CALVIN O. HULTMAN

SENATE FILE 2068

S-5900

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 22, by inserting after the word
5 "adopted." the following: "The provisions of this
6 paragraph shall not prevent the issuance of a permit
7 to a new sanitary landfill if the landfill is under
8 consideration for a permit on or before July 1, 1988."

S-5900

Filed April 11, 1988 LOST BY WILLIAM DIELEMAN
Lost 4/10 (p. 1420)

SENATE FILE 2068

S-5933

1 Amend amendment S-5851 to Senate File 2068, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking line 15 and inserting the
5 following: "to any permit issued on or after July".

S-5933

Filed April 11, 1988 BY WILLIAM W. DIELEMAN
w/d 4/12 (p. 1444)

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 2068

H-6404

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 6.

5 2. Page 1, by striking lines 10 and 11.

6 3. Page 1, lines 14 and 15, by striking the words
7 "municipal or industrial" and inserting the following:
8 "solid".

9 4. Page 1, by striking line 22 and inserting the
10 following: "is in compliance with the rules adopted."

11 Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON
12 SANITARY LANDFILL SERVICE AREA.

13 A city, county, or private agency operating a
14 sanitary landfill permitted under this part shall not
15 provide sanitary landfill service to the residents of
16 more than eight counties. The director shall revoke
17 the permit of any sanitary landfill operating in
18 violation of this section.

19 Sec. 3. Section 2 of this Act applies
20 retroactively to any permit issued on or after January
21 1, 1988, for the construction or operation of a
22 sanitary landfill.

23 Sec. 4. This Act, being deemed of immediate
24 importance, takes effect upon enactment."

25 5. Page 1, by inserting after line 22 the
26 following:

27 "_____. Title page, by striking lines 1 and 2 and
28 inserting the following: "An Act relating to the
29 construction and operation of sanitary landfills,
30 providing for retroactive applicability, and providing
31 an effective date.""

32 6. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6404 FILED APRIL 12, 1988