

FILED FEB 24 1988

SENATE FILE 2206
BY COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES

(formerly 55B 2084)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the groundwater protection Act.

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

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55-2206

1 Section 1. Section 263.17, subsection 4, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

4 An advisory committee consisting of one representative of
5 each of the organizations enumerated in subsection 2,
6 paragraph "a", ~~a representative of the Iowa department of~~
7 ~~public health, and a representative of the department of~~
8 ~~natural resources~~ is established. The advisory committee
9 shall:

10 Sec. 2. Section 455B.302, unnumbered paragraph 2, Code
11 1987, is amended to read as follows:

12 Cities and counties may execute with public and private
13 agencies contracts, leases, or other necessary instruments,
14 purchase land and do all things necessary not prohibited by
15 law for the collection of solid waste, establishment and
16 operation of sanitary disposal projects, and general
17 administration of the same. Any agreement executed with a
18 private agency for the operation of a sanitary disposal
19 project shall provide for the posting of a sufficient surety
20 bond by the private agency conditioned upon the faithful
21 performance of the agreement. A city or county may at any
22 time during regular working hours enter upon the premises of a
23 sanitary disposal project, including the premises of a
24 sanitary landfill, in order to inspect the premises and
25 monitor the operations and general administration of the
26 project to ensure compliance with the agreement and with state
27 and federal laws. This includes the right of the city or
28 county to enter upon the premises of a former sanitary
29 disposal project which has been closed, including the premises
30 of a former sanitary landfill, owned by a private agency, for
31 the purpose of providing required postclosure care.

32 Sec. 3. Section 455B.307, subsection 1, Code Supplement
33 1987, is amended to read as follows:

34 1. A private agency or public agency shall not dump or
35 deposit or permit the dumping or depositing of any solid waste

1 resulting-from-its own-residential, farming, manufacturing,
2 mining, or commercial activities at any place other than a
3 sanitary disposal project approved by the director unless the
4 agency has been granted a permit by the department which
5 allows the dumping or depositing of solid waste on land owned
6 or leased by the agency. The department shall adopt rules
7 regarding the permitting of this activity which shall provide
8 that the public interest is best served, but which may be
9 based upon criteria less stringent than those regulating a
10 public sanitary disposal project provided that the rules
11 adopted meet the groundwater nondegradation protection goal
12 specified in section 455E.4. The comprehensive plans for
13 these facilities may be varied in consideration of the types
14 of sanitary disposal practices, hydrologic and geologic
15 conditions, construction and operations characteristics, and
16 volumes and types of waste handled at the disposal site. The
17 director may issue temporary permits for dumping or disposal
18 of solid waste at disposal sites for which an application for
19 a permit to operate a sanitary disposal project has been made
20 and which have not met all of the requirements of part 1 of
21 this division and the rules adopted by the commission if a
22 compliance schedule has been submitted by the applicant
23 specifying how and when the applicant will meet the
24 requirements for an operational sanitary disposal project and
25 the director determines the public interest will be best
26 served by granting such temporary permit.

27 Sec. 4. Section 455B.310, subsection 2, Code Supplement
28 1987, is amended to read as follows:

29 2. The tonnage fee is twenty-five cents per ton of solid
30 waste. However, for the year beginning July 1, 1988, the
31 tonnage fee is one dollar and fifty cents per ton of solid
32 waste for the year beginning July 1, 1986 and shall increase
33 annually in the amount of fifty cents per ton through July 1,
34 1992. The city or county providing for the establishment and
35 operation of the sanitary landfill may charge an additional

1 tonnage fee for the disposal of solid waste at the sanitary
2 landfill, to be used exclusively for the development and
3 implementation of alternatives to sanitary landfills.

4 Sec. 5. Section 455B.310, subsection 3, Code Supplement
5 1987, is amended to read as follows:

6 3. Solid waste disposal facilities with special provisions
7 which limit the site to the disposal of construction and
8 demolition waste and, landscape waste, and coal combustion
9 waste, or foundry sand, or solid waste materials approved by
10 the department for lining or capping or for construction
11 berms, dikes or roads in a sanitary disposal project or
12 sanitary landfill ~~or which limit the site to the disposal of~~
13 ~~excess fly-ash used in the reclamation of strip-mined land~~ are
14 exempt from the tonnage fees imposed under this section.

15 Sec. 6. Section 455B.310, subsection 5, Code Supplement
16 1987, is amended to read as follows:

17 5. Fees imposed by this section prior to July 1, 1988, are
18 due on April 15, 1988, for the previous calendar year and are
19 due on July 15, 1988, for the period January 1, 1988, through
20 June 30, 1988. The fees shall be paid to the department and
21 shall be accompanied by a return in the form prescribed by the
22 department. Fees imposed by this section beginning July 1,
23 1988 shall be paid to the department on a quarterly basis.
24 The initial payment of fees collected beginning July 1, 1988
25 shall be paid to the department on January 1, 1989 and on a
26 quarterly basis thereafter. The payment shall be accompanied
27 by a return in the form prescribed by the department.

28 Sec. 7. Section 455E.11, subsection 2, paragraph a, Code
29 Supplement 1987, is amended by adding the following new
30 subparagraph:

31 NEW SUBPARAGRAPH. (8A) Fifty cents per ton per year of
32 funds received from the tonnage fee imposed under section
33 455B.310 for the fiscal year beginning July 1, 1990, and
34 thereafter may be retained by the agency making the payments
35 to the state provided that a separate account is established

1 for these funds and that they are used in accordance with the
2 requirements of section 455B.306.

3 Sec. 8. Section 455E.11, subsection 2, paragraph b,
4 unnumbered paragraph 1, Code Supplement 1987, is amended to
5 read as follows:

6 b. An agriculture management account. Moneys collected
7 from the groundwater protection fee levied pursuant to section
8 200.8, subsection 4, the portion of the fees collected
9 pursuant to sections 206.8, subsection 2, and 206.12,
10 subsection 3, and other moneys designated for the purpose of
11 agriculture management shall be deposited in the agriculture
12 management account. The agriculture management account shall
13 be used for the following purposes:

14 Sec. 9. Section 455E.11, subsection 2, paragraph b,
15 subparagraph (2), subparagraph subdivision (c), Code
16 Supplement 1987, is amended to read as follows:

17 (c) The department shall allocate a sum not to exceed
18 seventy-nine thousand dollars of the moneys appropriated for
19 the fiscal year beginning July 1, 1987, and ending June 30,
20 1988 for the preparation of a detailed report and plan for the
21 establishment on July 1, 1988 of the center for health effects
22 of environmental contamination. The plan for establishing the
23 center shall be presented to the general assembly on or before
24 January 15, 1988. The report shall include the assemblage of
25 all existing data relating to Iowa drinking water supplies,
26 including characteristics of source, treatment, presence of
27 contaminants, precise location, and usage patterns to
28 facilitate data retrieval and use in research; and detailed
29 organizational plans, research objectives, and budget
30 projections for the anticipated functions of the center in
31 subsequent years. The department may allocate annually a sum
32 not to exceed nine percent of the moneys appropriated of the
33 account to the center, beginning July 1, 1988.

34 Sec. 10. Section 455F.6, subsection 4, Code Supplement
35 1987, is amended by striking the subsection.

1 Sec. 11. Section 558.59, unnumbered paragraph 1, Code
2 Supplement 1987, is amended to read as follows:

3 With each declaration of value submitted to the county
4 recorder under chapter 428A, there shall also be submitted a
5 statement that no known wells are situated on the property, or
6 if known wells are situated on the property, the statement
7 must state the approximate location of each known well and its
8 status with respect to section 459.29 or 455B.190. The
9 statement shall also state that no known disposal site for
10 solid waste, as defined in section 455B.301, which has been
11 deemed to be potentially hazardous by the department of
12 natural resources, exists on the property, or if such a known
13 disposal site does exist, the location of the site on the
14 property. The statement shall additionally state that no
15 known underground storage tank, as defined in section
16 455B.471, subsection 6, exists on the property, or if ~~an~~ a
17 known underground storage tank does exist, the type and size
18 of the tank, and the any known substance in the tank. The
19 statement shall also state that no known hazardous waste as
20 defined in section 455B.411, subsection 4, or listed by the
21 department pursuant to section 455B.412, subsection 2, or
22 section 455B.464, exists on the property, or if known
23 hazardous waste does exist, that the waste is being managed in
24 accordance with rules adopted by the department of natural
25 resources. The statement shall be signed by ~~the grantors or~~
26 ~~the transferors of the property~~ at least one of the sellers or
27 their agents. The county recorder shall refuse to record any
28 deed, instrument, or writing for which a declaration of value
29 is required under chapter 428A unless the statement required
30 by this section has been submitted to the county recorder. If
31 the statement submitted reveals no well, disposal site,
32 underground storage tank, or hazardous waste on the property,
33 the county recorder may destroy the statement.

34 Sec. 12. Section 558.69, Code Supplement 1987, is amended
35 by inserting the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The owner of the property is
2 responsible for the accuracy of the information submitted on
3 the form. The owner's agent shall not be liable for the
4 accuracy of information provided by the owner of the property.
5 The provisions of this paragraph do not limit liability which
6 may be imposed under a contract or under any other law.

7 EXPLANATION

8 The bill omits repetitive language and makes a correction
9 regarding the groundwater protection goal. The bill provides
10 for on-site inspection of sanitary disposal projects. The
11 bill reinstates language regarding the amount of the tonnage
12 fee and the collection procedures. The bill provides that a
13 portion of the tonnage fee collected during the period of July
14 1990 and thereafter may be retained by the agency making the
15 payments. The bill clarifies the procedures and liability
16 relative to the statement submitted regarding the existence of
17 wells, disposal sites, underground storage tanks, and
18 hazardous waste on property.

19 SIMILAR TO SSB 2084 (LSB 4753XS)

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ENVIRONMENT AND ENERGY UTILITIES: Deluhery, Chair; A. Miller and Schwengels

ENVIRONMENT + ENERGY UTILITIES

SENATE FILE 2206

BY (PROPOSED COMMITTEE ON ENVIRONMENT AND ENERGY UTILITIES BILL)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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15 operation of sanitary disposal projects, and general
16 administration of the same. Any agreement executed with a
17 private agency for the operation of a sanitary disposal
18 project shall provide for the posting of a sufficient surety
19 bond by the private agency conditioned upon the faithful
20 performance of the agreement. A city or county may at any
21 time during regular working hours enter upon the premises of a
22 sanitary disposal project, including the premises of a
23 sanitary landfill, in order to inspect the premises and
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26 and federal laws. This includes the right of the city or
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4 allows the dumping or depositing of solid waste on land owned
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35 resources, exists on the property, or if such a disposal site

1 does exist, the location of the site on the property. The
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 3 tank, as defined in section 455B.471, subsection 6, exists on
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