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SENATE FILE 193
BY ROSENBERG and CONNOLLY

(COMPANION TO LSB 2289HH BY
RUNNING)

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

A BILL FOR

1 An Act relating to the regulation of hazardous substances on
2 waterways.

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

SF 193

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1 Section 1. NEW SECTION. 462A.34B INLAND WATERWAY PRO-
2 TECTION.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 a. "Ecologically hazardous substance" means all of the
6 following:

7 (1) All materials listed in 46 C.F.R. § 30.25, table
8 30.25-1.

9 (2) All materials listed in 46 C.F.R. § 151.05.

10 (3) All materials listed in 46 C.F.R. § 148.01-7, table
11 148.01-7.

12 b. "Fund" means the inland waterway protection fund.

13 c. "Permit" means the inland waterway protection permit.

14 d. "Vessel" means tank barge as defined in 46 C.F.R. §
15 30.10-65.

16 2. A person shall not deliver, by vessel, to any point
17 within the state cargo that contains ecologically hazardous
18 substances without a permit issued under this section.

19 3. Upon application for a permit under this section, the
20 applicant shall provide all of the following to the depart-
21 ment:

22 a. Satisfactory evidence that the applicant has
23 implemented a discharge prevention and response plan
24 consistent with state and federal regulations.

25 b. Information regarding the inspection history and
26 schedule of the vessel, the training schedule of the vessel's
27 personnel, and the type of vessel structure.

28 c. Satisfactory evidence that all required fees have been
29 paid under the previous permit period, if the applicant is
30 applying for a permit renewal.

31 4. A permit issued under this section is valid for a
32 period of two years.

33 5. The department may review and revoke a permit at any
34 time that there is a material change affecting the vessel
35 operator's discharge prevention and response plan or response

1 capability.

2 6. The department may apply additional conditions adopted
3 by rule determined to be reasonably necessary to carry out the
4 purposes of this section.

5 7. The department shall establish and require payment of a
6 fee for processing applications for permits. The fee is in
7 addition to the inland waterway protection fee and the amount
8 of the fee established shall be reasonably related to the
9 administrative costs of verifying data submitted with permit
10 applications and of reasonable inspections.

11 8. The inland waterway protection fund is created in the
12 state treasury under the control of the department to provide
13 funds for response, cleanup, and payment of damages from
14 unauthorized discharges from vessels.

15 a. The fund shall be used by the department to carry out
16 the purposes of this section. All fees, penalties, financial
17 assurance bonds, judgments, reimbursements, and charges
18 provided for in this section shall be deposited in the fund.
19 Notwithstanding section 8.33, any unexpended balance in the
20 fund at the end of each fiscal year shall be retained in the
21 fund. Notwithstanding section 12C.7, subsection 2, interest
22 or earnings on investments or time deposits of the moneys in
23 the fund shall be credited to the fund.

24 b. Moneys in the fund shall be used for all of the
25 following purposes:

26 (1) Administrative expenses, personnel and training
27 expenses, and equipment maintenance and operating costs
28 related to implementation of this section.

29 (2) Response costs and damage costs related to actual or
30 threatened discharges of ecologically hazardous substances.

31 (3) Assessment, restoration, rehabilitation, or re-
32 placement of or mitigation of damage to natural resources
33 damaged by an unauthorized discharge of ecologically hazardous
34 substances.

35 (4) Contracts with private or public entities that the

1 department determines to be necessary to provide an effective,
2 economical response to and cleanup of an unauthorized
3 discharge of ecologically hazardous substances.

4 9. A fee is imposed on the owner or operator of a vessel
5 transporting ecologically hazardous substances at the time the
6 owner or operator transfers the cargo to a point within the
7 state. The fee is in addition to all other fees levied on
8 individual ecologically hazardous substances and shall only be
9 imposed once per shipment.

10 a. The operator of the facility to which the ecologically
11 hazardous substance is transferred shall collect the fee from
12 the person transporting the cargo by vessel and remit the fee
13 to the department.

14 b. The fee on ecologically hazardous substances carried by
15 double-hulled vessels shall be established by rule of the
16 department and shall be one-half the fee assessed on
17 nondouble-hulled vessels carrying ecologically hazardous
18 substances.

19 EXPLANATION

20 This bill requires vessels as defined in the bill which are
21 carrying ecologically hazardous substances to obtain a permit
22 prior to delivery of cargo containing such substances to a
23 destination within the state. The bill imposes a fee on
24 ecologically hazardous substances to be paid by the owner or
25 operator of the vessel. All fees paid are to be deposited in
26 the inland waterway protection fund created in the bill and
27 are to be used for administrative expenses, response costs
28 related to discharges of hazardous substances, and payment of
29 contracted expenses for cleanup of discharge of hazardous
30 substances.

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