

MAR 16 1993

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SENATE FILE 318
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SSB 247)

Passed Senate, Date (P. 788) 3/23/93 Passed House, Date _____
Vote: Ayes 49 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the approval of the general assembly prior to
2 the granting of a permit for the establishment and operation
3 of a nuclear waste disposal site in Iowa.

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

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6

SENATE FILE 318

SF318

S-3203

1 Amend Senate File 318 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "operated" the following: "off the site of a nuclear
4 power plant".

5 2. Page 2, by inserting after line 32, the
6 following:

7 "Sec. ____ . APPLICABILITY. This Act applies to
8 nuclear waste disposal sites for which application for
9 a permit is made on or after the effective date of
10 this Act.

11 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
12 of immediate importance, takes effect upon enactment."

13 3. Title page, line 3, by inserting after the
14 word "Iowa" the following: ", and providing an
15 effective date".

By PATTY JUDGE

S-3203 FILED MARCH 23, 1993
ADOPTED

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1 Section 1. Section 455B.331, Code 1993, is amended to read
2 as follows:

3 455B.331 DEFINITIONS.

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

6 1. "Nuclear waste disposal site" means all facilities and
7 appurtenances including all real and personal property
8 connected with such facilities, which are acquired, leased,
9 purchased, constructed, reconstructed, equipped, improved,
10 extended, maintained, or operated to facilitate the temporary
11 or permanent storage or the final disposition of high level
12 radioactive waste without creating a significant hazard to the
13 public health or safety, and which are approved by the general
14 assembly.

15 2. "Radiation" means any ionizing radiation including,
16 but not limited to, high-speed electrons, neutrons, protons
17 and other nuclear particles, but not sound waves.

18 3. "Radioactive material" means any solid, liquid, or
19 gaseous material which emits radiation spontaneously.

20 ~~3.---"Nuclear-waste-disposal-site"-means-all-facilities-and~~
21 ~~appurtenances-including-all-real-and-personal-property~~
22 ~~connected-with-such-facilities,which-are-acquired,leased,~~
23 ~~purchased,constructed,reconstructed,equipped,improved,~~
24 ~~extended,maintained,or-operated-to-facilitate-the-final~~
25 ~~disposition-of-radioactive-waste-without-creating-a~~
26 ~~significant-hazard-to-the-public-health-or-safety,and-which~~
27 ~~are-approved-by-the-director.~~

28 4. "High level radioactive waste" means any of the
29 following:

30 a. Irradiated reactor fuel.

31 b. Liquid wastes resulting from reprocessing irradiated
32 reactor fuel.

33 c. Solids into which the liquid wastes have been
34 converted.

35 d. Radioactive waste containing alpha emitting transuranic

1 elements that is not acceptable for near-surface disposal as
2 defined in 10 C.F.R. § 61.55.

3 e. Any other highly radioactive materials determined by
4 the federal nuclear regulatory commission or the federal
5 department of energy to require permanent isolation.

6 f. Any byproduct material as defined in the federal Atomic
7 Energy Act of 1954, 42 U.S.C. § 2014(11e)(2).

8 Sec. 2. Section 455B.334, Code 1993, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 455B.334 NUCLEAR WASTE DISPOSAL SITE.

12 A person shall not establish or operate a nuclear waste
13 disposal site and shall not perform any testing of a specific
14 area or site related to establishment of a nuclear waste
15 disposal site in this state unless the general assembly
16 expressly authorizes the granting of a permit for the site.

17 The commission shall develop criteria for the evaluation of
18 a proposal for the siting of a nuclear waste disposal site
19 including the need for a site in the state, the existing
20 physical conditions, topography, soils and geology, climate,
21 transportation, and land use at a proposed site, the rules,
22 standards, and procedures for the safe operation and
23 maintenance of a proposed site, and the ability of a proposed
24 permittee to provide sufficient surety bonds or financial
25 commitment to ensure perpetual maintenance and monitoring of
26 the site.

27 If a person applies to the commission for the granting of a
28 permit under this section, the commission shall evaluate the
29 proposed nuclear waste disposal site based upon the criteria
30 established by the commission and shall present the
31 commission's findings and recommendations to the general
32 assembly for review and appraisal.

33 EXPLANATION

34 This bill requires the approval of the general assembly
35 prior to the granting of a permit for the establishment or

1 operation of a nuclear waste disposal site in the state. The
2 bill directs the environmental protection commission to
3 develop criteria for evaluation of an application for a permit
4 and requires the commission to present the commission's
5 findings and recommendations to the general assembly for
6 review and appraisal.

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1 Section 1. Section 455B.331, Code 1993, is amended to read
2 as follows:

3 455B.331 DEFINITIONS.

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

6 1. "Nuclear waste disposal site" means all facilities and
7 appurtenances including all real and personal property
8 connected with such facilities, which are acquired, leased,
9 purchased, constructed, reconstructed, equipped, improved,
10 extended, maintained, or operated off the site of a nuclear
11 power plant to facilitate the temporary or permanent storage
12 or the final disposition of high level radioactive waste
13 without creating a significant hazard to the public health or
14 safety, and which are approved by the general assembly.

15 2. "Radiation" means any ionizing radiation including,
16 but not limited to, high-speed electrons, neutrons, protons
17 and other nuclear particles, but not sound waves.

18 3. "Radioactive material" means any solid, liquid, or
19 gaseous material which emits radiation spontaneously.

20 ~~3. "Nuclear waste disposal site" means all facilities and~~
21 ~~appurtenances including all real and personal property~~
22 ~~connected with such facilities, which are acquired, leased,~~
23 ~~purchased, constructed, reconstructed, equipped, improved,~~
24 ~~extended, maintained, or operated to facilitate the final~~
25 ~~disposition of radioactive waste without creating a~~
26 ~~significant hazard to the public health or safety, and which~~
27 ~~are approved by the director.~~

28 4. "High level radioactive waste" means any of the
29 following:

30 a. Irradiated reactor fuel.

31 b. Liquid wastes resulting from reprocessing irradiated
32 reactor fuel.

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34 converted.

35 d. Radioactive waste containing alpha emitting transuranic

1 elements that is not acceptable for near-surface disposal as
2 defined in 10 C.F.R. § 61.55.

3 e. Any other highly radioactive materials determined by
4 the federal nuclear regulatory commission or the federal
5 department of energy to require permanent isolation.

6 f. Any byproduct material as defined in the federal Atomic
7 Energy Act of 1954, 42 U.S.C. § 2014(11e)(2).

8 Sec. 2. Section 455B.334, Code 1993, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 455B.334 NUCLEAR WASTE DISPOSAL SITE.

12 A person shall not establish or operate a nuclear waste
13 disposal site and shall not perform any testing of a specific
14 area or site related to establishment of a nuclear waste
15 disposal site in this state unless the general assembly
16 expressly authorizes the granting of a permit for the site.

17 The commission shall develop criteria for the evaluation of
18 a proposal for the siting of a nuclear waste disposal site
19 including the need for a site in the state, the existing
20 physical conditions, topography, soils and geology, climate,
21 transportation, and land use at a proposed site, the rules,
22 standards, and procedures for the safe operation and
23 maintenance of a proposed site, and the ability of a proposed
24 permittee to provide sufficient surety bonds or financial
25 commitment to ensure perpetual maintenance and monitoring of
26 the site.

27 If a person applies to the commission for the granting of a
28 permit under this section, the commission shall evaluate the
29 proposed nuclear waste disposal site based upon the criteria
30 established by the commission and shall present the
31 commission's findings and recommendations to the general
32 assembly for review and appraisal.

33 Sec. 3. APPLICABILITY. This Act applies to nuclear waste
34 disposal sites for which application for a permit is made on
35 or after the effective date of this Act.

1 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment.
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SENATE FILE 318

H-3847

1 Amend Senate File 318, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 7, the
4 following:

5 "Sec. ____ . NEW SECTION. 455B.333A LICENSE
6 REQUIRED.

7 1. A person shall not establish or operate a
8 nuclear waste disposal site until the person obtains a
9 site license issued under this part 2 of division IV
10 by the commission. A person planning to establish or
11 operate a nuclear waste disposal site shall give
12 notice of the intent to establish or operate the site
13 as provided in this section. The notice shall be
14 served on the director and on the city council and
15 board of supervisors of each city and county in which
16 the proposed site would be located and shall be
17 published in a newspaper of general circulation in
18 each city and county in which the proposed site would
19 be located once a week for two consecutive weeks. The
20 notice shall contain the following:

21 a. A description of the proposed location of the
22 site.

23 b. A description of the treatment, storage, or
24 disposal method to be used and the types of wastes to
25 be handled, including estimated volumes.

26 c. The names and addresses of the owners and the
27 operators of the site.

28 2. Within fifteen days of the date the notice is
29 last published, the owners and operators of the site
30 shall submit an application to the director requesting
31 that a site license be issued under this part 2 of
32 division IV. The application for a site license shall
33 contain the name and residence of the applicant, and
34 the following additional information:

35 a. The location of the proposed site and a plat of
36 the proposed location.

37 b. A description of the design and capacity of the
38 proposed site.

39 c. The expected sources of wastes for the
40 facility, the proposed methods and routes of
41 transporting the wastes to and from the site.

42 d. The qualifications of the operator.

43 e. Other relevant information as the commission
44 requires by rule.

45 The application shall be accompanied by a
46 nonrefundable application fee determined by a schedule
47 established by the commission by rule, but which shall
48 not exceed one thousand dollars.

49 3. Within thirty days of the receipt of the
50 application, the director shall determine whether the

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1 application is in substantial compliance with the
2 information requirements, and shall either accept the
3 application or notify the applicant of any
4 deficiencies. An applicant who receives notification
5 of deficiencies in the application has ninety days
6 from the receipt of notice to remedy the deficiencies
7 and resubmit the application for consideration. The
8 director shall notify the applicant within thirty days
9 of receipt of a resubmitted application whether the
10 application is accepted. An application rejected
11 under this subsection may be resubmitted only once.
12 If a resubmitted application is rejected the applicant
13 may reapply for a license by giving notice and
14 resubmitting an application as provided in subsections
15 1 and 2, including payment of the nonrefundable
16 application fee.

17 Sec. ____ . NEW SECTION. 455B.333B TEMPORARY
18 MEMBERS APPOINTED.

19 Immediately upon receipt of an application for a
20 site license the director shall notify the city
21 council of the city closest to the proposed site and
22 the county board of supervisors of the county in which
23 the site is proposed to be located that the
24 application has been received. Within thirty days of
25 the receipt of notification the city council or the
26 county board of supervisors may make the following
27 appointments to the commission for purposes of
28 consideration of the site license application and if
29 the city council or the county board of supervisors
30 chooses to make the temporary appointments the
31 director shall be notified of the names of those
32 persons appointed as follows:

33 1. The county board may appoint two temporary
34 members who are residents of the county.

35 2. The city council may appoint two temporary
36 members who are residents of the city.

37 Temporary members who may be appointed under this
38 section shall serve on the commission only during
39 discussion and proceedings relating to the application
40 for a site license which the temporary members were
41 appointed to consider and shall vote only on questions
42 relating to the issuance of that site license.
43 Temporary members shall serve on the commission until
44 final action is taken on the application for the site
45 license which the temporary members were appointed to
46 consider. Temporary members who are not public
47 employees shall receive a per diem as specified in
48 section 7E.6 and actual and necessary expenses
49 incurred in performance of their official duties.
50 Temporary members who are public employees shall

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1 receive reimbursement for expenses only. Per diem and
2 expenses under this section shall be paid by the
3 state.

4 Sec. ____ . NEW SECTION. 455B.333C PROCEEDING.

5 1. Within thirty days after the acceptance of the
6 application for a site license, the commission shall
7 establish a timetable for consideration of the
8 application. The timetable for final action by the
9 commission shall not exceed one hundred eighty days
10 after the date the application is accepted.

11 2. The proceeding for the issuance of a site
12 license is a contested case under chapter 17A.

13 3. The commission shall establish a date for the
14 hearing on the application and shall serve notice of
15 the hearing on interested agencies, as determined by
16 the commission, and regulatory agencies.

17 The commission shall notify all owners of record of
18 real property located within one mile from the
19 boundaries of the proposed site of the time and place
20 of the hearing.

21 4. Notice of the hearing in the form provided in
22 section 17A.12, subsection 2, shall be published in a
23 newspaper of general circulation in each city and
24 county in which the proposed site is located once a
25 week for two consecutive weeks with the second
26 publication being at least twenty days prior to the
27 date of the hearing.

28 Sec. ____ . NEW SECTION. 455B.333D PROCEEDING --
29 ROLE OF REGULATORY AGENCIES.

30 1. Regulatory agencies that appear on record at
31 the proceeding shall state whether the application
32 meets their permit or licensing requirements. If the
33 application does not meet the requirements of a
34 regulatory agency, the regulatory agency shall state
35 why the application is not in compliance.

36 2. Any person may present oral or written comments
37 to the commission at the hearing.

38 Sec. ____ . NEW SECTION. 455B.333E EVALUATION BY
39 COMMISSION.

40 1. The commission shall consider at a minimum all
41 of the following in an evaluation of a proposal:

42 a. The need for the site.

43 b. The impact of the proposed site on the area in
44 which it is to be located.

45 c. The zoning classification of the proposed site
46 and the extent to which a proposed site is by present
47 or projected use dedicated to industrial development.

48 d. The land uses and the density of population in
49 areas near the proposed site.

50 e. The density of population in areas adjacent to

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Page 4

- 1 probable transportation routes to the site.
- 2 f. The risk and effect of accidents during the
- 3 transportation of wastes to the site.
- 4 g. The geology of the site, where relevant, with
- 5 reference to factors which include, but are not
- 6 limited to, the presence of fault zones and the risk
- 7 of contamination of ground and surface waters by
- 8 leaching and runoff from the site.
- 9 n. The risk and effect of fires or explosions from
- 10 improper storage and disposal methods.
- 11 i. The impact of the site on the operations and
- 12 responsibilities of the city and county in which the
- 13 site is proposed to be located and on cities and
- 14 counties near the proposed site.
- 15 j. Local ordinances, permits, or other
- 16 requirements and their relationship to the proposed
- 17 site.
- 18 k. The availability of alternative sites and
- 19 methods of treatment, disposal, or storage, including
- 20 cost comparisons. The cost comparisons shall cover
- 21 short and long-term costs including, but not limited
- 22 to, liability insurance, postclosure maintenance,
- 23 monitoring of ground and surface waters, monitoring of
- 24 air before and after closure, and the potential loss
- 25 of land or water resources due to contamination.
- 26 l. To the maximum extent feasible a site should be
- 27 located away from all of the following areas:
- 28 (1) Areas subject to natural hazards including,
- 29 but not limited to, flooding, earthquakes, or
- 30 subsidence.
- 31 (2) Sources of drinking water supply including,
- 32 but not limited to, reservoirs, lakes and rivers and
- 33 their watersheds, and aquifers and their recharge
- 34 areas.
- 35 (3) Fragile land areas including, but not limited
- 36 to, wetlands and the shorelines of rivers, lakes, and
- 37 streams.
- 38 (4) Areas with rare or valuable ecosystems or
- 39 geologic formations or significant wildlife habitat.
- 40 (5) Unique scenic or historic areas.
- 41 (6) Residential areas, parks, or schools.
- 42 (7) Prime farmland as defined by the United States
- 43 department of agriculture in 7 C.F.R. § 657.5(a).
- 44 m. Other criteria adopted by rule which the
- 45 commission finds relevant to the siting of a facility
- 46 which are consistent with this part 2 of division IV."
- 47 2. Page 2, line 19, by inserting after the word
- 48 "including" the following: ", and in accordance with
- 49 and in addition to the criteria established in section
- 50 455B.333E,".

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Page 5

- 1 3. By renumbering as necessary.

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL
PROTECTION

RAFFERTY of Scott, Chairperson

H-3847 FILED APRIL 12, 1993

JUDGE, CH.
RICKS
RENSINK

SSB 247
NATURAL RESOURCES

SENATE FILE 3/8
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON FINK)

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

A BILL FOR

1 An Act requiring the approval of the general assembly prior to
2 the granting of a permit for the establishment and operation
3 of a nuclear waste disposal site in Iowa.

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

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1 Section 1. Section 455B.331, Code 1993, is amended to read
2 as follows:

3 455B.331 DEFINITIONS.

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

6 1. "Nuclear waste disposal site" means all facilities and
7 appurtenances including all real and personal property
8 connected with such facilities, which are acquired, leased,
9 purchased, constructed, reconstructed, equipped, improved,
10 extended, maintained, or operated to facilitate the temporary
11 or permanent storage or the final disposition of radioactive
12 waste without creating a significant hazard to the public
13 health or safety, and which are approved by the director
14 general assembly.

15 2. "Radiation" means any ionizing radiation including,
16 but not limited to, high-speed electrons, neutrons, protons
17 and other nuclear particles, but not sound waves.

18 3. "Radioactive material" means any solid, liquid, or
19 gaseous material which emits radiation spontaneously.

20 ~~3.--"Nuclear-waste-disposal-site"--means-all-facilities-and~~
21 ~~appurtenances-including-all-real-and-personal-property~~
22 ~~connected-with-such-facilities,which-are-acquired,leased,~~
23 ~~purchased,constructed,reconstructed,equipped,improved,~~
24 ~~extended,maintained,or-operated-to-facilitate-the-final~~
25 ~~disposition-of-radioactive-waste-without-creating-a~~
26 ~~significant-hazard-to-the-public-health-or-safety,and-which~~
27 ~~are-approved-by-the-director.~~

28 4. "Radioactive waste" means useless or unwanted
29 radioactive material or otherwise nonradioactive material
30 which has been made radioactive by contamination with
31 radioactive material.

32 Sec. 2. Section 455B.334, Code 1993, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 455B.334 NUCLEAR WASTE DISPOSAL SITE.

1 A person shall not establish or operate a nuclear waste
2 disposal site and shall not perform any testing of a specific
3 area or site related to establishment of a nuclear waste
4 disposal site in this state unless the general assembly
5 expressly authorizes the granting of a permit for the site.

6 The commission shall develop criteria for the evaluation of
7 a proposal for the siting of a nuclear waste disposal site
8 including the need for a site in the state, the existing
9 physical conditions, topography, soils and geology, climate,
10 transportation, and land use at a proposed site, the rules,
11 standards, and procedures for the safe operation and
12 maintenance of a proposed site, and the ability of a proposed
13 permittee to provide sufficient surety bonds or financial
14 commitment to ensure perpetual maintenance and monitoring of
15 the site.

16 If a person applies to the commission for the granting of a
17 permit under this section, the commission shall evaluate the
18 proposed nuclear waste disposal site based upon the criteria
19 established by the commission and shall present the
20 commission's findings and recommendations to the general
21 assembly for review and appraisal.

22 EXPLANATION

23 This bill requires the approval of the general assembly
24 prior to the granting of a permit for the establishment or
25 operation of a nuclear waste disposal site in the state. The
26 bill directs the environmental protection commission to
27 develop criteria for evaluation of an application for a permit
28 and requires the commission to present the commission's
29 findings and recommendations to the general assembly for
30 review and appraisal.

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